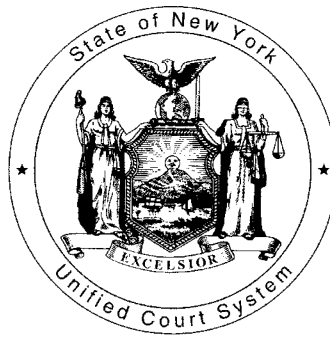

STATE OF NEW YORK



TWENTY-FOURTH ANNUAL REPORT
OF
THE CHIEF ADMINISTRATOR OF THE COURTS
FOR CALENDAR YEAR 2001

STATE OF NEW YORK

**Report of
The Chief Administrative Judge of the Courts**

**For the Calendar Year
January 1, 2001 - December 31, 2001**

COURT OF APPEALS

Judith S. Kaye, CHIEF JUDGE

George Bundy Smith

Richard C. Wesley

Howard A. Levine

Albert M. Rosenblatt

Carmen Beauchamp Ciparick

Victoria A. Graffeo

CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Jonathan Lippman

ADMINISTRATIVE BOARD OF THE COURTS

Judith S. Kaye, CHAIR

Joseph P. Sullivan

Anthony V. Cardona

Lawrence J. Bracken

Eugene F. Pigott, Jr.

UNIFIED COURT SYSTEM 2001

JONATHAN LIPPMAN

Chief Administrative Judge

JOSEPH J. TRAFICANTI, JR.

Deputy Chief Administrative Judge
Courts Outside New York City

ANN T. PFAU

Deputy Chief Administrative Judge
for Management Support

JOAN B. CAREY

Deputy Chief Administrative Judge
New York City Courts

JUANITA BING NEWTON

Deputy Chief Administrative Judge
for Justice Initiatives

ADMINISTRATIVE JUDGES

JACQUELINE W. SILBERMANN

Statewide Administrative Judge
for Matrimonial Matters

JOSEPH LAURIA

Administrative Judge
New York City Family Court

FERN FISHER-BRANDVEEN

Administrative Judge
New York City Civil Court

JUDY HARRIS KLUGER

Administrative Judge
New York City Criminal Court

STEPHEN G. CRANE

Administrative Judge
First Judicial District
Supreme Court, Civil Branch

MICKI SCHERER

Administrative Judge
First Judicial District
Supreme Court, Criminal Branch

MICHAEL L. PESCE

Administrative Judge
Second Judicial District
Supreme Court

STEVEN W. FISHER

Administrative Judge
Eleventh Judicial District
Supreme Court

LUIS A. GONZALEZ

Administrative Judge
Twelfth Judicial District
Supreme Court

SUSAN PHILLIPS READ

Presiding Judge
Court of Claims

THOMAS W. KEEGAN

Administrative Judge
Third Judicial District

JAN H. PLUMADORE

Administrative Judge
Fourth Judicial District

JAMES TORMEY

Administrative Judge
Fifth Judicial District

JUDITH O'SHEA

Administrative Judge
Sixth Judicial District

THOMAS VAN STRYDONCK

Administrative Judge
Seventh Judicial District

VINCENT E. DOYLE

Administrative Judge
Eighth Judicial District

FRANCIS A. NICOLAI

Administrative Judge
Ninth Judicial District

EDWARD G. McCABE

Administrative Judge
Nassau County

A. GAIL PRUDENTI

Administrative Judge
Suffolk County

...

MICHAEL COLODNER

Counsel

PREFACE

I am pleased to present the 24th annual report of the Chief Administrator of the New York State Unified Court System. This report, which is submitted to the Governor and the Legislature in accordance with Section 212 of the Judiciary Law, reflects the activities of the courts and the state of the court system during the preceding year.

Included in the report are an outline of the structure of the courts, a summary of our legislative agenda, significant statistical data, and highlights of the court system's initiatives for 2001. Family Court data, issued pursuant to sections 213 and 385 of the Family Court Act, are provided separately as Volume II of this report.

Our court family, like so many families in New York City and around the nation, was shocked by the horrifying events of September 11th. Sadly, three of our Court Officers lost their lives helping to rescue workers at the Trade Center, but miraculously no other court employees were lost.

At least eight court facilities and the New York City sites of the Office of Court Administration are located within a short walking distance from the World Trade Center site, while the New York City office of the Court of Claims was actually located at the Trade Center complex.

As Chief Judge Judith S. Kaye so poignantly and accurately stated, "It remains remarkable to this day that despite personal dislocation and devastation, despite the lack of public transportation and telephone service, and despite the smoke and smell of Ground Zero that day and night hovered over lower Manhattan, our courts there reopened immediately, a tribute to the sheer determination of our people... Their hearts could be broken, but never their spirit."

Each year in this preface, I take the opportunity to express my extreme pride in the accomplishments of the Judges and nonjudicial employees in our courts and thank them for their dedication and commitment to the Judiciary and to the people of the State of New York. This year, those words have taken on a heightened meaning and are more truly heartfelt than ever.

Finally, I also want to gratefully acknowledge the assistance and cooperation extended to the Judiciary this year by the Governor and his staff and members of the Legislature.



Faye Ellman

A handwritten signature in blue ink that reads "Jonathan Lippman". The signature is fluid and cursive, with the first name "Jonathan" and last name "Lippman" clearly distinguishable.

Please Do Not Destroy or Discard This Report.

When this report is of no further value to the holder, please return it to the Office of Court Administration, 25 Beaver Street, New York, N.Y. 10004, so that copies will be available for replacement in our sets and for distribution to those who may request them in the future.

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CHAPTER 1

Court Structure and Statistics

The Judiciary, with the Executive and the Legislature, is one of the three co-equal branches of New York State government. The responsibility and authority for supervising the courts is vested in the Chief Judge of the Court of Appeals, who also serves as the Chief Judge of the State.

The powers and structure of the New York State Judiciary are embodied in Article VI of the State Constitution. Article VI provides for a unified court system for the State, specifies the organization and the jurisdiction of the courts, establishes the methods of selection and removal of judges and justices, and provides for administrative supervision of the courts. The

State is divided into four judicial departments.

In New York State, the courts of original jurisdiction, or trial courts, hear a case in the first instance, and the appellate courts hear appeals from the decisions of those tribunals. The appellate structure of these courts is described herein and is shown in Figures 1a and 1b. This chapter identifies the different courts in the State, defines their jurisdiction, and reflects their caseload activity for the year 2001.

In all, there are 1,199 judges and approximately 15,000 nonjudicial personnel throughout the system. Table 1 reflects the number of judges authorized to sit in each of the courts located in the State.



*New York State Court
of Appeals :
Albert M. Rosenblatt,
Carmen Beauchamp
Ciparick, George
Bundy Smith,
Chief Judge
Judith S. Kaye,
Howard A. Levine,
Richard C. Wesley,
Victoria A. Graffeo*

Figure 1a
NEW YORK STATE JUDICIAL SYSTEM
Criminal Appeals Structure

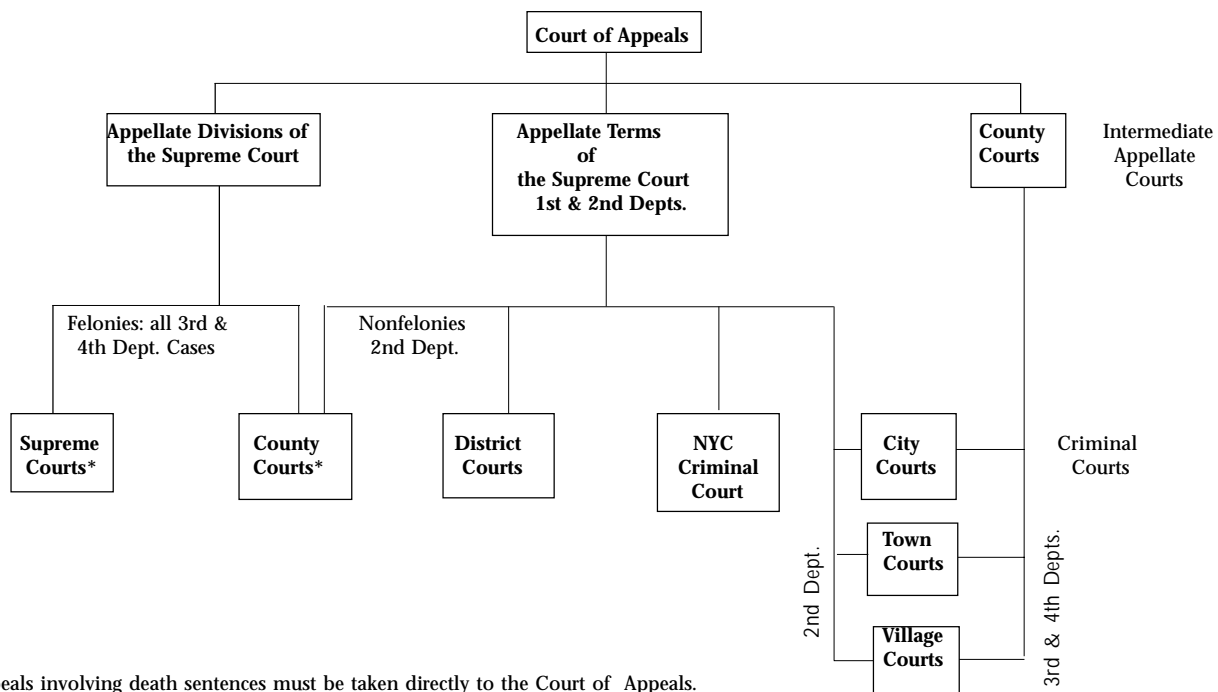
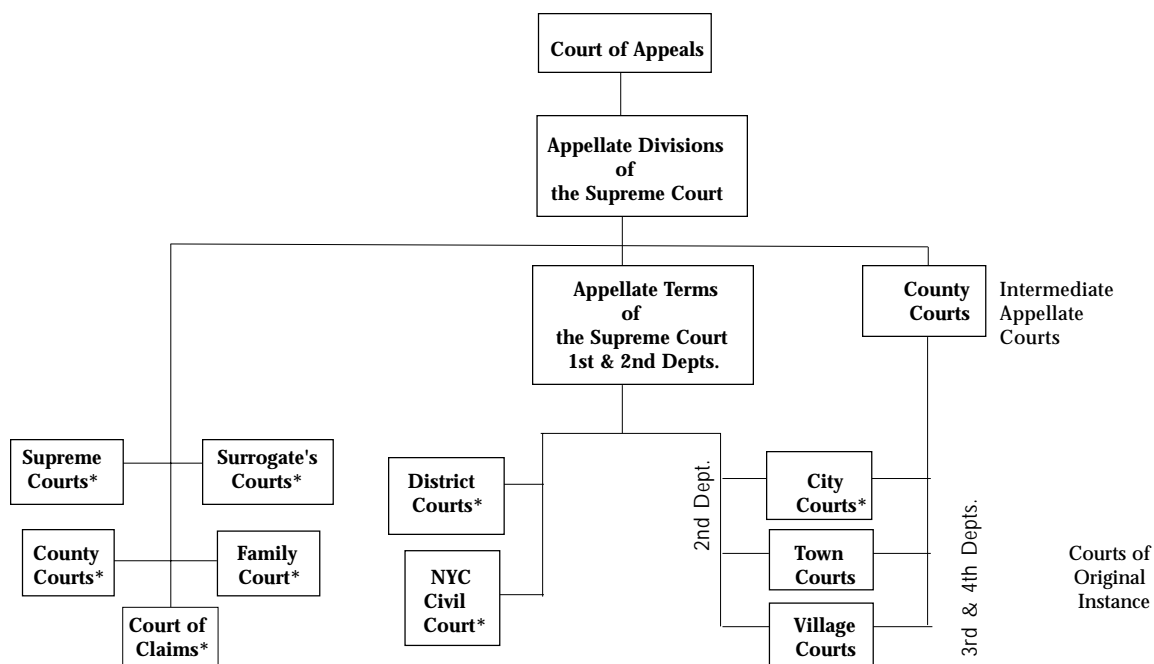


Figure 1b
NEW YORK STATE JUDICIAL SYSTEM
Civil Appeals Structure



*Appeals from judgments of courts of record of original instance that finally determine actions where the only question involved is the validity of a statutory provision under the New York State or United States Constitution may be taken directly to the Court of Appeals.

Table 1
NEW YORK STATE JUDICIAL SYSTEM
Authorized Number of Judges
December 31, 2001

Number of Judges	Court
7	Court of Appeals
55 ^a	Supreme Court, Appellate Divisions
279 ^b	Supreme Court, Trial Parts
67	Supreme Court, Certificated Retired Justices
22	Court of Claims
50	Court of Claims (15 judges appointed pursuant to Chapter 603, Laws of 1973, Emergency Dangerous Drug Control Program, as amended by Chapters 500, 501, Laws of 1982; 23 appointed pursuant to Chapter 906, Laws of 1986; 8 appointed pursuant to Chapter 209, Laws of 1990; and 4 appointed pursuant to Chapter 731, Laws of 1996)
30	Surrogate's Courts (including 6 Surrogates in the City of New York)
71	County Courts* (County Judges outside the City of New York in counties that have separate Surrogate's Court and Family Court Judges)
13	County Courts* (County Judges who are also Surrogate's Court Judges)
6	County Courts* (County Judges who are also Family Court Judges)
38	County Courts* (County Judges who are also Surrogate's and Family Court Judges)
126	Family Courts (including 47 Family Court Judges in the City of New York)
107	Criminal Court of the City of New York
120 ^c	Civil Court of the City of New York
50	District Courts (in Nassau and Suffolk Counties)
158	City Courts in the 61 cities outside New York City including Acting and Part-time Judges
1,199	Total
[2,300	Town and Village Justice Courts]

* In smaller counties, judges may sit in two or three of the county-level courts simultaneously (County, Surrogate's or Family Courts).

a In addition to the 20 Supreme Court Justices permanently authorized, 25 Justices and 10 Certificated Retired Justices are temporarily designated to the Appellate Division.

b Judiciary Law §140-a authorizes 323 elected Supreme Court justices in the twelve judicial districts. This number includes the 24 permanently authorized justices who are assigned to the Appellate Division, as well as all non-certificated justices who are temporarily designated to the Appellate Division. This number also includes all justices designated to an Appellate Term. This number does not include judges of other courts, including the Civil and Criminal Courts of the City of New York, who sat as Acting Supreme Court Justices during the year. It also does not include any certificated justices.

c Does not include the additional 11 Civil Court Judgeships authorized by the 1982 Session Laws, chapter 500, but still not filled.

Appellate Courts

The appellate courts are the Court of Appeals, the Appellate Divisions, the Appellate Terms of the Supreme Court, and the County Courts acting as appellate courts in the Third and Fourth Judicial Departments.

Court of Appeals STRUCTURE

The Court of Appeals is the highest court in the State and is located in Albany, the capital. The Court consists of the Chief Judge and six Associate Judges. These judges are appointed by the Governor, with the advice and consent of the Senate, for 14-year terms, from among persons found to be well-qualified by the State Commission on Judicial Nomination. Five members of the Court constitute a quorum, and the concurrence of four members is required for a decision. In addition to hearing cases, the Court is responsible for establishing rules governing the admission of attorneys to the Bar.

The Court of Appeals hears both civil and criminal appeals. It also presides over appeals from determinations by the State Commission on Judicial Conduct, which is responsible for reviewing allegations of misconduct brought against judges.

The jurisdiction of the Court is limited by Section 3 of Article VI of the Constitution to the review of questions of law, except in a criminal case in which the sentence is death, or a case

in which the intermediate appellate-level court, the Appellate Division, in reversing or modifying a final or interlocutory judgment or order, finds new facts, and a final judgment or order is entered pursuant to that finding. An appeal may be taken directly from a court of original jurisdiction to the Court of Appeals, from a final judgment or order in an action or proceeding in which the only question is the constitutionality of a State or federal statute. As to other matters, the Constitution provides for an appeal as a matter of right, or upon the leave or permission of the Appellate Division or the Court of Appeals, depending upon the issue.

Decisions of the Court of Appeals are final (cannot be appealed further), except that the United States Supreme Court may be asked to review cases involving questions of federal law or the United States Constitution.

CASELOAD ACTIVITY

During 2001, 166 records on appeal were filed and the Court decided 176 appeals and related matters (see Table 2). In addition, 1,474 motions and 2,840 criminal leave applications were decided.

The Court of Appeals maintains a current docket. During 2001, the average length of time from the filing of a notice of appeal, or order granting leave to appeal, to the release to the public of a decision was 193 days. The caseload activity of the Court is reported in Table 2.

Table 2**CASELOAD ACTIVITY IN THE COURT OF APPEALS - 2001**

Applications Decided [CPL 460.20(3(b))]	2,840
Records on Appeal Filed	166
Oral Arguments (Includes Submissions)	172
Appeals Decided	176
Motions Decided	1,474
Judicial Conduct Determinations Reviewed	2

DISPOSITIONS OF APPEALS DECIDED IN THE COURT OF APPEALS**by Basis of Jurisdiction**

BASIS OF JURISDICTION	AFFIRMED	REVERSED	MODIFIED	DISMISSED	OTHER	TOTAL
All Cases:						
Reversal, Modification, Dissent in Appellate Division	10	2	2	-	-	14
Permission of Court of Appeals or Judge thereof	48	40	5	1	-	94
Permission of Appellate Division or Justice thereof	20	14	3	-	-	37
Constitutional Question	4	3	1	-	-	8
Stipulation for Judgment Absolute	-	-	-	-	-	-
Other	-	3	-	-	20	23
Total	82	62	11	1	20	176
Civil Cases:						
Reversal, Modification, Dissent in Appellate Division	10	2	2	-	-	14
Permission of Court of Appeals or Judge thereof	27	31	4	1	-	63
Permission of Appellate Division or Justice thereof	12	11	3	-	-	26
Constitutional Question	4	3	1	-	-	8
Stipulation for Judgment Absolute	-	-	-	-	-	-
Other	-	3	-	3	20	23
Total	53	50	10	1	20	134
Criminal Cases:						
Permission of Court of Appeals or Judge thereof	21	9	1	-	-	31
Permission of Appellate Division or Justice thereof	8	3	-	-	-	11
Other	-	-	-	-	-	-
Total	29	12	1	-	-	42

*Includes anomalies which did not result in an affirmance, reversal, modification or dismissal (e.g., judicial suspensions, acceptance of a case for review pursuant to Court Rule 500.17)

Appellate Division

STRUCTURE

The Appellate Divisions of the Supreme Court are established in each of the State's four judicial departments (see the map at the beginning of this report). The primary responsibilities of the Courts are:

— Resolving appeals from judgments or orders of the superior courts of original jurisdiction in civil and criminal cases, and reviewing civil appeals taken from the Appellate Terms and the County Courts acting as appellate courts.

— Establishing rules governing attorney conduct and conducting proceedings to admit, suspend, or disbar attorneys.

Each Appellate Division has jurisdiction over appeals from final orders and judgments, and from some intermediate orders rendered in county-level courts, and has original jurisdiction over selected proceedings.

As prescribed by Article VI, Section 4 of the Constitution, the Governor designates the Presiding and Associate Justices of each Appellate Division. The Presiding Justice serves for the remainder of the length of his or her term, while Associate Justices are designated for five-year terms, or for the remainder of their terms of office, whichever period is shorter.

CASELOAD ACTIVITY

During 2001, there were a total of 10,023 records on appeal filed in the four Appellate Divisions, while 17,660 appeals reached disposition (see Table 3).

Table 3
CASELOAD ACTIVITY IN THE APPELLATE DIVISION - 2001

	FIRST DEPT			SECOND DEPT			THIRD DEPT			FOURTH DEPT			TOTAL
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	
Records on Appeal Filed	1,741	969	2,710	3,237	894	4,131	1,436	324	1,760	882	540	1,422	10,023
Disposed of before Argument or Submission (e.g., Dismissed, Withdrawn, Settled)	164	180	344	4,875	684	5,559	94	10	104	20	1	21	6,028
Disposed of after Argument or Submission:													
Affirmed	1,130	1,076	2,206	1,724	1,029	2,753	1,086	305	1,391	543	580	1,123	7,473
Reversed	321	35	356	860	72	932	171	17	188	156	28	184	1,660
Modified	243	47	290	308	61	369	142	26	168	178	44	222	1,049
Dismissed	140	2	142	526	7	533	100	6	106	227	9	236	1,017
Other	131	10	141	109	157	266	10	-	10	11	5	16	433
Total Dispositions	2,129	1,350	3,479	8,402	2,010	10,412	1,603	364	1,967	1,135	667	1,802	17,660
*Oral Arguments			1,226			2,182			766			810	4,984
*Motions Decided			6,247			12,195			5,569			-	24,011
*Admissions to the Bar			2,820			2,218			2,088			314	7,440
*Atty. Disciplinary Proceedings Decided			55			136			47			56	294

*Not broken down by civil or criminal.

Appellate Terms

STRUCTURE

Appellate Terms have been established in the First and Second Departments. They exercise jurisdiction over civil and criminal appeals taken from various local courts and, in the Second Department, over non-felony appeals from County Courts.

Section 8 of Article VI of the Constitution provides for the designation of the Justices of Appellate Terms from among the Justices of the Supreme Court by the Chief Administrator of the Courts, with the approval of the Presiding Justice of the appropriate Appellate Division.

CASELOAD ACTIVITY

During the year, 1,843 records on appeal were filed in the Appellate Terms in the First and Second Departments, while 2,131 appeals reached disposition (see Table 4).

Court of Claims

STRUCTURE

The *Court of Claims* is a special statewide trial court that has jurisdiction over claims for money damages against the State of New York. Court of Claims judges are appointed by the Governor, with the advice and consent of the Senate, to nine-year terms.

CASELOAD ACTIVITY

During 2001, 1,910 claims were filed and 2,331 cases were decided by the Court.

Table 4

CASELOAD ACTIVITY IN THE APPELLATE TERMS - 2001

	FIRST DEPT			SECOND DEPT			TOTAL
	Civil	Criminal	Total	Civil	Criminal	Total	
Records on Appeal Filed	350	75	425	996	422	1,418	1,843
Disposed of before Argument or Submission (e.g. dismissed, withdrawn, settled)	19	11	30	501	327	828	858
Disposed of after Argument or Submission:							
Affirmed	266	66	332	340	74	414	746
Reversed	97	20	117	175	47	222	339
Modified	66	2	68	62	11	73	141
Dismissed	10	1	11	13	4	17	28
Other	2	-	2	16	1	17	19
Total Dispositions	460	100	560	1,107	464	1,571	2,131
*Oral Arguments			238			319	557
*Motions Decided			1,523			3,487	5,010

***Not broken down by civil or criminal.**

Trial Courts

CASELOAD OVERVIEW

The trial courts of superior jurisdiction are the Supreme Courts, the Court of Claims, the Family Courts, the Surrogate's Courts and, outside New York City, the County Courts. In New York City, the Supreme Court exercises both civil and criminal jurisdiction. Outside New York City, Supreme Court exercises civil jurisdiction, while County Court generally handles criminal matters.

The Chief Administrator has established Standards and Goals to provide performance measures for the courts reflecting the time elapsed from case filing to disposition. Standards and Goals have been established for felony cases in Supreme and County Courts, civil cases in the Supreme Courts, and proceedings in the

Family Courts. The Standards and Goals performance for each of these courts during 2001 is reported later in this chapter.

In 2001, there were 4,014,962 new cases filed in the trial courts¹ of the UCS.² Of these, 3,754,160 filings reached court calendars. Excluding parking tickets, there were 3,810,256 filings as follows: 44% in criminal courts, 32% in civil courts, 19% in the Family Courts, and 5% in the Surrogate's Courts (see Figure 2).

During 2001, there were 3,691,492 dispositions in the trial courts. Excluding parking tickets, there were 3,486,786 dispositions, as follows: Criminal Courts - 42%, Civil Courts - 35%, Family Courts - 19%, and Surrogate's Courts - 4%.

Table 5 contains a breakdown of filings and dispositions during the year in the trial courts by type of court.

¹ Does not include locally-funded Town and Village Courts.

² All data in this chapter are from the Caseload Activity Reporting System of the UCS and are current as of July 15, 2002. Courts report data to the Office of Court Administration pursuant to the Rules of the Chief Administrator of the Courts (22 NYCRR § 115).

Figure 2
TRIAL COURT FILINGS: by Case Type - 2001

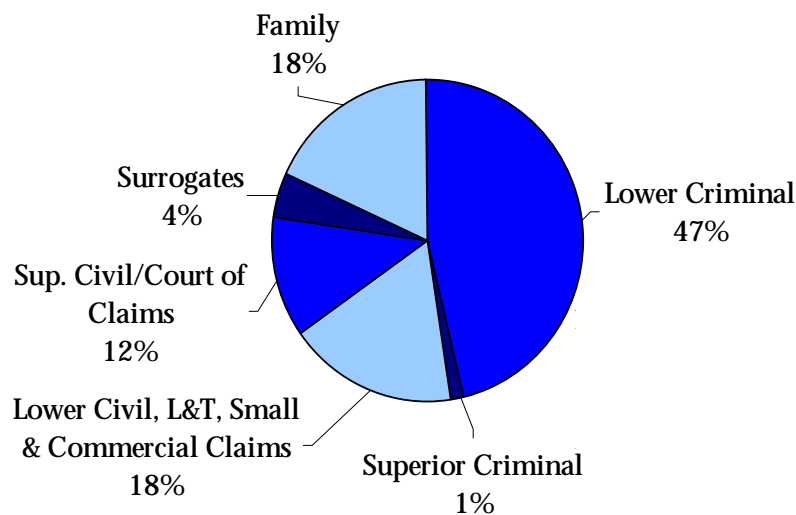


Table 5
FILINGS & DISPOSITIONS IN THE TRIALS COURTS - 2001

COURT	FILINGS	DISPOSITIONS
<i>CRIMINAL</i>		
Supreme and County Courts	52,500	54,964
Criminal Court of the City of New York:		
Arrest Cases	338,442	345,234
Summons Cases	528,219 ^a	422,996
City & District Courts outside New York City:		
Arrest Cases	283,482	275,620
Uniform Traffic Tickets	360,466 ^b	360,466
Parking Tickets	204,706 ^b	204,706
Criminal Total	1,767,815	1,663,986
<i>CIVIL</i>		
Supreme Courts:		
New Cases	184,490	214,481
Ex-Parte Applications	170,528	170,528
Uncontested Matrimonial Cases	52,079	54,301
Civil Court of the City of New York:		
Civil Actions	128,233 ^c	128,372 ^d
Landlord/Tenant Actions and Special Proceedings	230,682 ^c	292,234
Small Claims	36,994	39,163
Commercial Claims	9,984	10,489
City & District Courts outside New York City:		
Civil Actions	118,126	102,821
Landlord/Tenant Actions and Special Proceedings	79,370	77,402
Small Claims	38,902	39,659
Commercial Claims	12,669	12,279
County Courts	26,565	27,117
Court of Claims	1,910	2,331
Arbitration Program	18,721 ^e	17,750 ^e
Small Claims Assessment Review Program	49,257	50,057
Civil Total	1,139,789	1,221,234
<i>FAMILY</i>	683,390	681,414
<i>SURROGATE'S</i>	163,166	124,858 ^f
Total	3,754,160	3,691,492

^aCalendared summonses only. An additional 2,604 (mail-ins) summonses were filed in which defendants did not appear.

^bThe disposition figure is used as the number of filings. An additional 1,677 uniform traffic tickets were filed in which defendants did not respond. An additional 33,401 parking tickets were filed in which defendants did not respond.

^cCalendared cases and default judgments only. An additional 119,314 Civil Actions were filed but not calendared or defaulted; an additional 103,806 Landlord & Tenant cases were filed but not calendared or defaulted.

^dDoes not include dispositions in the Arbitration Program.

^eShown here for reference only and not included in totals. Included as intake in the Civil Courts listed above.

^fSurrogate's Court dispositions include orders and decrees signed.

COURTS OF SUPERIOR JURISDICTION

Supreme Court

STRUCTURE

The Supreme Court has unlimited, original jurisdiction, but generally hears cases outside the jurisdiction of other courts, such as:

- Civil matters beyond the monetary limits of the lower courts' jurisdiction
- Divorce, separation, and annulment proceedings
- Equity suits, such as mortgage foreclosures and injunctions
- Criminal prosecutions of felonies

Supreme Court justices are elected by judicial district to 14-year terms.

CASELOAD ACTIVITY

Civil Cases

During 2001, there were 407,097 total civil filings in the Supreme Courts in New York State. This number includes 184,490 requests for judicial intervention; 170,528 ex parte applications; and 52,079 uncontested matrimonial cases. A total of 439,309 matters reached disposition in 2001, including 214,480 requests for judicial intervention; 170,528 ex parte applications; and 52,079 uncontested matrimonial cases. Table 6 lists the number of actions filed and disposed of in each county of the State. In addition, Supreme Court hears appeals from administrative proceedings brought under the Small Claims Assessment Review Program ("SCAR"). These proceedings are commenced by owners of one-, two-, or three-family, owner-occupied residences to challenge their real property tax assessments. In 2001, 49,257 SCAR petitions were filed in Supreme Court and there were dispositions in 50,057 cases. Table 7 reflects filings and dispositions for each judicial district.

Civil actions are commenced in the Supreme Court with the filing of a Request for Judicial Intervention. Figure 3 shows a breakdown of these filings by type of case: motor vehicle - 24%, medical malpractice - 2%, other tort - 17%, tax certiorari - 10%, contract - 10%, contested matrimonial - 8% and other - 29%. Two-thirds of the cases are disposed of before the trial note of issue is filed—either by settlement (17%) or on some other basis, e.g., dismissal, default, or consolidation (51%). The remaining third of the cases are disposed of after the note of issue is filed: settlements - 22%, verdict or decision - 3%, transfer to lower court - 1%, motion - 1%, or other - 5% (see Figure 4).

For purposes of Standards and Goals compliance, there are three complementary standards which apply to all civil cases and measure the length of time from filing an action to disposition. The first, or "pre-note" standard, measures the time from filing the Request for Judicial Intervention, or RJI (the point at which the parties first seek some form of judicial relief), to filing of the trial note of issue (indicating readiness for trial). The second, or "note" standard, measures the time from filing the trial note of issue to disposition. The third, or "overall" standard, covers the entire period from filing of the RJI to disposition.

Expedited cases must meet the first standard within 8 months, the second within 15 months. Non-complex cases (which include most tort and contract matters) must meet the first standard within 12 months, the second within 15 months, and the third within 27 months. Complex cases (e.g., medical malpractice cases) must meet the first standard within 15 months, the second within an additional 15 months, and the third within 30 months. The only exceptions to these rules are for matrimonial cases, which must meet the first standard within six months, the second within an additional six months, and the third within a total of 12 months; and tax certiorari cases, which must meet the first standard within 48 months, the second within an additional 15 months, and the third within 63 months.

Table 6 SUPREME COURT CIVIL: Filings & Dispositions - 2001

Location	FILINGS		DISPOSITIONS					
	New Case Filing	Note Filings	Total Dispositions	Pre-Note Settlements	Other Pre-Note Dispositions	Post Note Settlements	Jury Verdicts/ Decisions	Other Note Dispositions
Total State	184,490	72,452	214,481	36,007	107,335	47,857	7,290	15,992
NYC	90,647	40,809	107,277	13,348	55,461	26,791	3,683	7,994
New York	24,834	8,632	29,373	4,211	14,363	8,140	888	1,771
Bronx	14,608	6,170	14,694	1,564	8,074	3,904	260	892
Kings	27,751	13,729	33,281	4,886	17,289	7,998	1,445	1,663
Queens	20,251	10,658	25,971	2,110	13,714	5,869	900	3,378
Richmond	3,203	1,620	3,958	577	2,021	880	190	290
Outside NYC	93,843	31,643	107,204	22,659	51,874	21,066	3,607	7,998
Albany	3,032	613	3,351	233	2,458	371	46	243
Allegany	206	35	276	110	116	42	2	6
Broome	872	296	959	74	641	88	37	119
Cattaraugus	429	174	518	338	36	122	5	17
Cayuga	740	98	857	59	682	64	0	52
Chautauqua	855	294	1,052	185	523	141	9	194
Chemung	408	89	408	18	262	31	5	92
Chenango	151	66	133	6	57	29	29	12
Clinton	381	100	338	31	211	25	8	63
Columbia	446	132	568	58	382	35	6	87
Cortland	130	66	151	0	90	13	4	44
Delaware	167	53	171	7	52	17	2	93
Dutchess	2,619	790	2,523	1,505	383	532	46	57
Erie	7,642	1,341	7,878	2,156	4,327	974	159	262
Essex	201	45	195	11	133	27	5	19
Franklin	277	80	373	21	266	12	4	70
Fulton	314	148	357	55	133	59	12	98
Genesee	214	119	317	94	122	73	6	22
Greene	369	82	531	62	370	44	12	43
Hamilton	0	0	0	0	0	0	0	0
Herkimer	324	153	324	39	128	52	8	97
Jefferson	439	196	649	56	391	158	19	25
Lewis	153	40	167	19	104	9	32	3
Livingston	347	80	307	71	207	14	5	10
Madison	206	108	250	36	101	35	1	77
Monroe	5,735	1,460	6,921	898	4,589	1,105	78	251
Montgomery	253	114	308	53	144	65	6	40
Nassau	19,226	7,455	22,869	6,508	7,311	6,679	964	1,407
Niagara	1,715	308	1,647	482	895	187	22	61
Oneida	3,199	729	3,321	212	2,294	336	340	139
Onondaga	2,587	1,132	3,800	221	2,121	535	330	593
Ontario	427	204	773	99	488	165	6	15
Orange	3,084	1,074	3,843	416	2,341	638	129	319
Orleans	307	33	313	91	185	23	3	11
Oswego	732	260	802	49	464	101	165	23
Otsego	297	113	192	4	102	39	9	38
Putnam	667	275	646	169	233	132	26	86
Rensselaer	873	229	1,299	158	835	215	29	62
Rockland	3,025	1,057	2,960	221	1,786	742	99	112
Saratoga	1,256	407	1,343	246	742	227	39	89
Schenectady	982	342	1,059	134	628	141	23	133
Schoharie	147	64	143	16	56	45	1	25
Schuyler	47	17	77	1	63	10	1	2
Seneca	190	48	169	33	91	22	0	23
St. Lawrence	606	242	594	102	265	104	11	112
Steuben	305	152	462	91	196	92	8	75
Suffolk	13,372	5,518	15,324	6,182	4,472	2,993	345	1,332
Sullivan	780	165	991	161	713	82	1	34
Tioga	119	49	134	22	58	39	13	2
Tompkins	273	107	321	6	179	25	13	98
Ulster	1,466	521	1,666	309	849	320	21	167
Warren	375	136	560	108	306	66	7	73
Washington	348	95	368	93	201	33	1	40
Wayne	491	110	735	70	545	34	5	81
Westchester	9,582	3,948	10,436	201	6,218	2,869	448	700
Wyoming	357	46	376	28	282	25	2	39
Yates	98	35	99	31	47	10	0	11

Figure 3
SUPREME CIVIL NEW CASE FILINGS: by Case Type - 2001

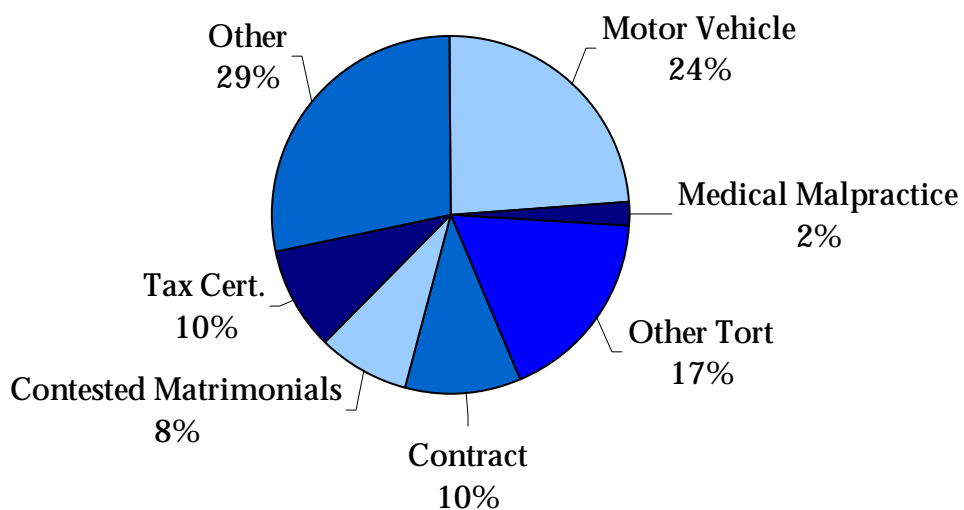


Figure 4
SUPREME CIVIL DISPOSITIONS: by Type of Disposition - 2001

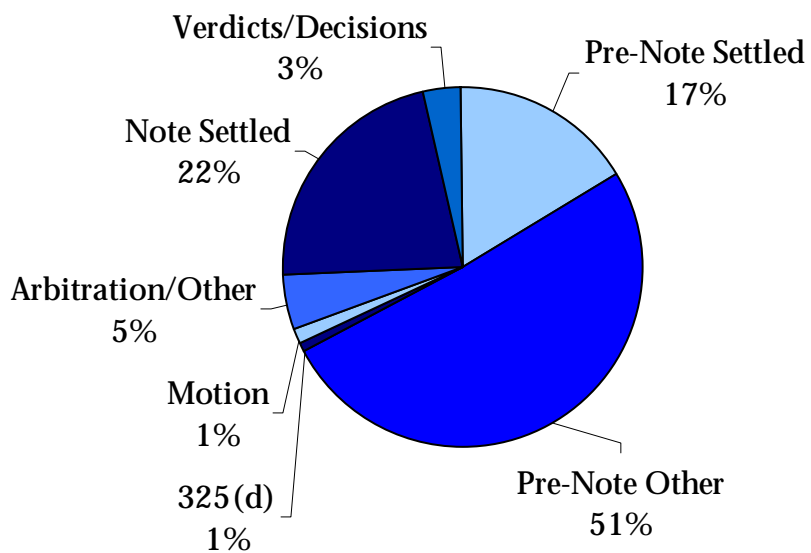


Table 7
SMALL CLAIMS ASSESSMENT REVIEW PROGRAM FILINGS & DISPOSITIONS
by Judicial District - 2001

	FILINGS	DISPOSITIONS	PENDING END OF YEAR
Total State	49,257	50,057	32,923
New York City	36	1,006	367
1 st	0	2	0
2 nd	24	804	127
11 th	9	195	237
12 th	3	5	3
Outside New York City	49,221	49,051	32,556
3 rd	178	176	3
4 th	174	174	0
5 th	131	135	0
6 th	105	105	0
7 th	146	146	0
8 th	421	427	0
9 th	1,241	1,683	829
10 th - Nassau	40,009	41,075	27,290
10 th - Suffolk	6,816	5,130	4,434

Criminal Cases

Criminal felony cases are heard in the Supreme Court in New York City and predominantly in the County Courts outside of New York City. During the year, there were a total of 52,500 filings of felony cases in the Supreme and County Courts. Table 8 shows filings and dispositions for each county. As reflected in Figure 5, 87% of cases reached disposition by plea.

The court system's performance standard for felony cases is disposition within six months from filing of the indictment, excluding periods when a case is not within the active management of the court (e.g., warrant

outstanding). In 2001, 84% of felony case dispositions statewide were achieved within the six-month standard.

COUNTY COURT

The County Court is established in each county outside New York City. It is authorized to handle criminal prosecutions of both felonies and lesser offenses committed within the county, although in practice most minor offenses are handled by lower courts. The County Court also has limited jurisdiction in civil cases, generally involving amounts up to \$25,000. County Court judges are elected to terms of 10 years. The statistical data for County Court's criminal felony caseload is reported in Table 8, in combination with those for Supreme Court.

Figure 5
FELONY DISPOSITIONS: by Type of Disposition - 2001

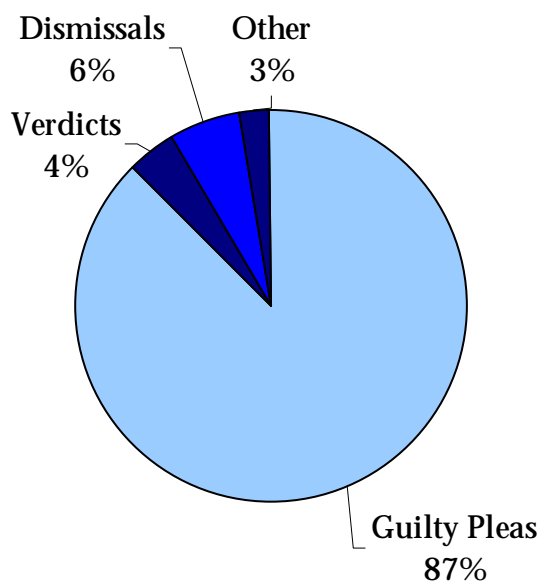


Table 8 SUPREME & COUNTY COURTS - CRIMINAL: Felony Filings & Dispositions - 2001

Location	FILINGS			DISPOSITIONS						
	Total	Indictment	Superior Court Informations	Total	Guilty Pleas	Jurv Convictions	Jurv Acquittals	Non-Jurv Verdicts	Dismissals	Other
Total State	52,500	31,899	20,601	54,964	48,021	1,656	670	588	3,232	797
NYC	26,315	19,541	6,774	28,087	23,454	979	461	290	2,331	572
New York	9,241	7,531	1,710	10,039	8,335	379	133	53	949	190
Bronx	5,857	4,123	1,734	6,168	5,214	175	140	62	423	154
Kings	6,254	5,407	847	6,436	5,289	221	93	115	551	167
Queens	4,481	2,152	2,329	4,935	4,177	193	85	59	370	51
Richmond	482	328	154	509	439	11	10	1	38	10
Outside NYC	26,185	12,358	13,827	26,877	24,567	677	209	298	901	225
Albany	1,260	785	475	1,143	1,037	48	13	3	37	5
Allegany	80	43	37	95	85	1	0	0	7	2
Broome	812	395	417	803	708	21	5	0	62	7
Cattaraugus	175	86	89	178	171	6	1	0	0	0
Cayuga	180	108	72	157	141	4	2	0	7	3
Chautauqua	465	132	333	471	465	3	0	0	1	2
Chemung	307	283	24	320	263	10	7	25	15	0
Chenango	114	98	16	126	106	1	1	0	17	1
Clinton	192	75	117	168	157	5	2	0	4	0
Columbia	147	63	84	144	129	2	2	6	5	0
Cortland	105	43	62	123	106	3	1	0	12	1
Delaware	64	30	34	59	55	1	0	0	3	0
Dutchess	445	129	316	443	373	9	1	0	15	45
Erie	2,042	936	1,106	2,351	2,067	72	15	121	68	8
Essex	63	30	33	73	61	4	0	0	7	1
Franklin	88	42	46	103	91	2	0	0	3	7
Fulton	111	38	73	113	108	4	1	0	0	0
Genesee	227	144	83	224	210	9	2	2	1	0
Greene	102	61	41	111	97	7	1	0	3	3
Hamilton	7	3	4	10	8	0	0	0	2	0
Herkimer	190	56	134	203	193	4	1	0	5	0
Jefferson	474	167	307	472	448	6	3	1	13	1
Lewis	86	23	63	85	84	0	0	0	1	0
Livingston	271	141	130	314	292	6	0	1	15	0
Madison	78	58	20	66	62	2	0	0	1	1
Monroe	2,498	883	1,615	2,477	2,239	77	33	37	84	7
Montgomery	116	60	56	113	103	6	2	0	2	0
Nassau	2,675	613	2,062	2,723	2,580	43	10	29	35	26
Niagara	380	199	181	433	360	11	14	0	40	8
Oneida	714	511	203	785	697	33	4	1	40	10
Onondaga	1,056	477	579	1,123	1,029	25	11	1	54	3
Ontario	402	246	156	382	338	31	3	1	3	6
Orange	938	630	308	965	890	26	9	3	31	6
Orleans	111	96	15	122	99	4	1	1	10	7
Oswego	310	118	192	335	317	7	2	1	8	0
Otsego	124	76	48	101	91	3	2	0	5	0
Putnam	88	26	62	93	86	0	2	0	3	2
Rensselaer	401	134	267	414	381	9	2	3	18	1
Rockland	451	334	117	454	427	11	1	1	10	4
Saratoga	323	96	227	317	313	0	1	0	3	0
Schenectady	496	202	294	517	454	23	5	0	16	19
Schoharie	65	44	21	52	48	3	0	0	1	0
Schuyler	47	28	19	60	57	1	0	2	0	0
Seneca	130	91	39	111	102	4	2	0	3	0
St. Lawrence	345	221	124	334	314	3	5	1	10	1
Steuben	280	121	159	293	278	6	2	2	3	2
Suffolk	2,894	1,695	1,199	2,869	2,651	38	9	27	125	19
Sullivan	225	93	132	227	219	5	0	0	3	0
Tioga	125	105	20	119	117	1	0	1	0	0
Tompkins	164	116	48	173	153	5	3	1	11	0
Ulster	394	198	196	420	400	8	7	2	2	1
Warren	194	42	152	201	192	4	2	0	2	1
Washington	167	133	34	175	158	3	3	0	8	3
Wayne	260	169	91	265	237	14	1	1	9	3
Westchester	1,545	565	980	1,631	1,507	39	7	23	49	6
Wyoming	130	50	80	174	151	4	6	1	9	3
Yates	52	17	35	64	62	0	2	0	0	0

TRIAL COURTS OF LIMITED JURISDICTION IN NEW YORK CITY

New York City Civil Court STRUCTURE

The New York City Civil Court has jurisdiction over civil cases involving amounts up to \$25,000. It includes a Small Claims Part and a Commercial Small Claims Part for the informal disposition of matters not exceeding \$3,000. It also has a Housing Part for landlord-tenant proceedings.

New York City Civil Court judges are

elected to 10-year terms. Housing judges are appointed by the Chief Administrator to five-year terms.

CASELOAD ACTIVITY

In 2001, there were 629,013 total filings and 470,258 dispositions in Civil Court (see Table 9). The large difference between the number of filings and dispositions is due to the number of cases filed but never pursued by the filing party. Figure 6 shows the proportion of actions filed in each part of the Court during 2001: general civil - 39%, housing - 53%, small claims - 6%, and commercial claims - 2%.

Table 9

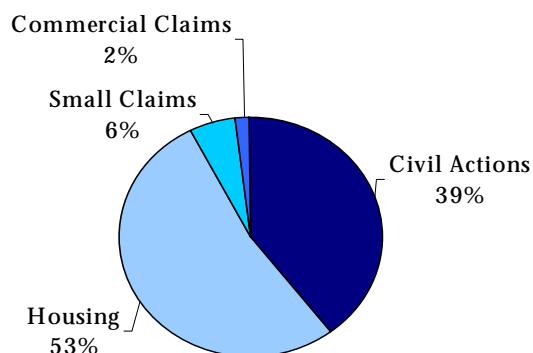
NEW YORK CITY CIVIL COURT: Filings & Dispositions by Case Type - 2001

	CIVIL ACTIONS		HOUSING		SMALL CLAIMS		COMMERCIAL CLAIMS	
	Filings*	Dispositions**	Filings*	Dispositions**	Filings	Dispositions	Filings	Dispositions
New York City	247,547	128,372	334,488	292,234	36,994	39,163	9,984	10,489
New York	49,051	23,959	85,853	63,402	8,574	9,159	3,319	3,818
Bronx	41,811	22,852	104,504	112,699	5,128	5,309	1,045	1,030
Kings	81,608	36,648	90,579	78,525	10,444	10,066	2,112	1,921
Queens	67,816	39,561	47,732	32,495	10,554	12,419	2,614	2,895
Richmond	7,261	5,352	5,820	5,113	2,294	2,210	894	825

*Includes both answered and unanswered cases.

**Includes courtroom dispositions and default judgments.

Figure 6
NYC CIVIL COURT FILINGS
by Case Type - 2001



New York City Criminal Court STRUCTURE

The New York City Criminal Court handles misdemeanors and violations. Criminal Court judges also act as arraigning magistrates for felonies. New York City Criminal Court judges are appointed by the Mayor to 10-year terms.

CASELOAD ACTIVITY

During 2001, there were 338,442 arrest case filings in New York City Criminal Court (see Table 10). Of these, 71% were misdemeanors,

18% felonies, 5% violations or infractions, and 6% "other" types of cases (see Figure 7). Forty-two percent of the cases reached disposition by plea; 30% were dismissed; 4% were sent to the grand jury; 22% were disposed of by other means; and 2% pled to a superior court information. Only 0.2% of the dispositions in Criminal Court are by verdict after trial. (See Figure 8.)

During the year, 530,823 summons cases (cases in which an appearance ticket, returnable in court, is issued to the defendant) were filed and placed on the calendar. There were 422,996 dispositions (see Table 10).

Table 10

NEW YORK CITY CRIMINAL COURT: Filings & Dispositions - 2001

	ARREST CASES		SUMMONS CASES	
	Filings	Dispositions	Filings*	Dispositions
New York City	338,442	345,234	528,219	422,996
New York	105,148	107,269	96,405	75,678
Bronx	70,234	70,689	151,558	123,974
Kings	95,935	98,859	164,888	121,431
Queens	55,773	56,479	94,032	82,399
Richmond	11,352	11,938	21,336	19,514

*Includes both answered and unanswered cases.

Figure 7
NYC CRIMINAL COURT FILINGS
by Case Type - 2001

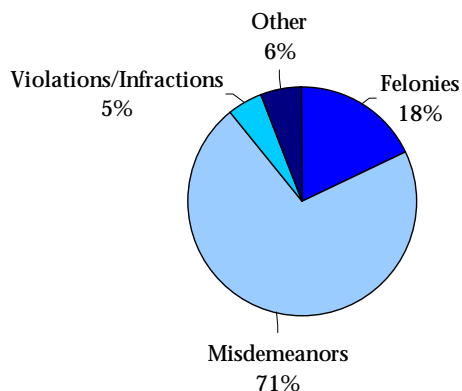
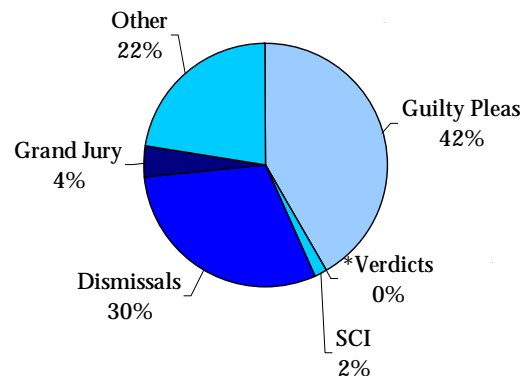


Figure 8
NYC CRIMINAL COURT DISPOSITIONS
by Case Type - 2001



*Only 0.2% of dispositions were by verdict.

TRIAL COURTS OF LIMITED JURISDICTION OUTSIDE NEW YORK CITY

District and City Courts

The trial courts of lesser jurisdiction outside New York City are the City Courts and District Courts.

STRUCTURE

City Courts have civil jurisdiction to a maximum of \$15,000. Some City Courts have a Small Claims Part for the informal disposition of matters not exceeding \$3,000, and a Housing Part for landlord-tenant disputes and housing violations. In addition, City Courts exercise criminal jurisdiction over misdemeanors, uniform traffic tickets, and parking tickets in jurisdictions without a parking violations bureau. The judges in these courts serve as criminal magistrates, with the power to arraign for felonies and to issue warrants. City Court judges are either elected or appointed, depending upon the particular city. The term of office for full-time judges is 10 years,

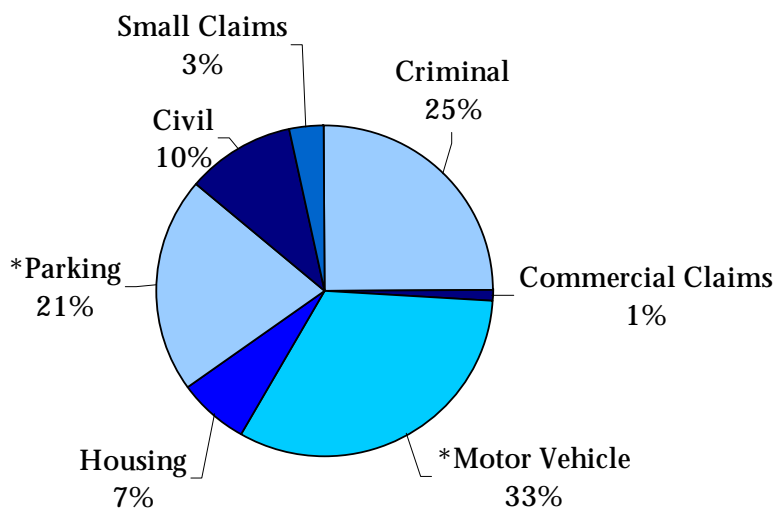
and for part-time judges, six years.

District Courts exist in Nassau County and in the five western towns of Suffolk County. District Court jurisdiction extends to civil cases involving amounts up to \$15,000 and to small claims matters not in excess of \$3,000. In criminal cases, District Courts have jurisdiction over misdemeanors, violations and offenses, and also conduct arraignments in felony cases. District Court judges are elected to six-year terms.

CASELOAD ACTIVITY

There were 249,067 filings and 232,161 dispositions of civil actions in the City and District Courts in 2001. Figure 9 contains a comparison of the filing of different types of all actions. During 2001, there were a total of 283,482 criminal filings in the City and District Courts and 275,620 dispositions. See Table 11 for a breakdown of the caseload activity in the courts of limited jurisdiction outside New York City.

Figure 9
CITY & DISTRICT COURT FILINGS: by Case Type - 2001



*Does not include cases in which defendants did not respond.

Table 11 CITY & DISTRICT COURTS: Filings by Case Type - 2001

City & District Courts	Motor			Civil	Small Claims	Commercial	
	Criminal	Vehicle*	Parking*			Housing	Claims
Total State	283,482	362,143	238,107	118,126	38,902	79,370	12,669
Albany	10,204	15,221	0	2,713	1,108	3,685	339
Amsterdam	992	1,832	0	533	196	78	35
Auburn	2,250	3,031	564	725	542	713	89
Batavia	1,082	2,133	149	194	149	111	38
Beacon	1,088	4,722	0	148	128	184	23
Binghamton	5,051	8,021	730	1,959	753	1,091	399
Buffalo	23,614	4,615	0	9,353	3,605	8,028	1,115
Canandaigua	545	1,725	2	589	102	56	57
Cohoes	1,327	1,814	132	349	97	261	123
Corning	1,052	4,537	338	302	137	79	61
Cortland	2,355	3,165	448	518	295	140	62
Dunkirk	1,368	1,282	0	275	217	79	45
Elmira	2,253	3,456	897	1,461	439	1,362	150
Fulton	1,069	2,236	7	842	132	265	29
Geneva	1,166	3,643	0	139	115	165	11
Glen Cove	521	3,498	3,901	10	149	118	53
Glen Falls	2,132	3,045	0	544	135	232	76
Gloversville	1,461	3,056	0	337	171	174	35
Hornell	886	1,382	5	107	132	178	13
Hudson	1,273	2,155	0	254	196	133	177
Ithaca	2,421	5,304	2,574	592	287	712	95
Jamestown	3,261	4,171	0	1,272	563	219	171
Johnstown	650	1,302	0	213	56	31	55
Kingston	2,172	3,404	355	497	238	551	153
Lackawanna	1,096	4,869	112	207	359	346	80
Little Falls	427	562	59	125	155	22	50
Lockport	1,642	3,322	6	918	372	86	44
Long Beach	1,539	1,586	12,555	8	169	365	28
Mechanicville	283	701	0	109	70	67	82
Middletown	1,465	2,337	235	788	266	606	236
Mount Vernon	4,403	7,574	0	1,080	442	2,106	173
New Rochelle	3,550	11,308	65,748	2,269	411	1,059	156
Newburgh	3,059	5,822	0	828	258	1,420	62
Niagara Falls	5,760	13,790	19,283	1,468	543	1,045	169
North Tonawanda	1,273	3,555	0	523	311	140	59
Norwich	636	818	45	435	208	33	93
Ogdensburg	1,209	1,397	0	363	138	51	200
Olean	1,216	2,566	133	352	190	93	67
Oneida	814	1,974	48	628	111	55	58
Oneonta	943	1,124	58	276	225	61	63
Oswego	1,864	2,206	249	759	217	62	27
Peekskill	2,358	2,707	0	232	149	427	41
Plattsburgh	2,068	3,889	0	596	246	234	155
Port Jervis	1,148	1,697	0	107	111	159	22
Poughkeepsie	4,270	6,366	4	819	412	1,448	207
Rensselaer	504	1,241	0	263	44	152	66
Rochester	20,194	8,160	0	8,123	3,238	7,321	728
Rome	2,227	5,635	0	797	337	427	36
Rye	251	3,542	0	49	61	29	114
Salamanca	712	778	0	59	70	91	16
Saratoga Springs	1,798	4,541	0	1,017	287	108	167
Schenectady	4,403	3,624	0	2,025	792	2,346	141
Sherill	74	511	0	183	43	1	12
Syracuse	17,871	32,329	109,935	7,521	1,393	6,801	366
Tonawanda	1,338	4,980	31	139	177	59	42
Troy	2,815	6,924	0	891	347	5,341	122
Utica	5,428	6,110	1,226	1,726	701	698	183
Watertown	1,513	2,403	0	829	261	350	100
Watervliet	539	3,235	4	222	53	283	12
White Plains	3,323	13,789	1,870	632	782	899	297
Yonkers	11,583	22,035	0	2,189	1,005	9,402	239
Nassau District Court	32,961	19,098	1	26,275	6,804	8,471	1,990
Suffolk District Court	64,732	54,288	16,403	28,370	7,202	8,061	2,562

*Includes answered and unanswered cases.

Family Court

STRUCTURE

The Family Court is established in each county and the City of New York to hear matters involving children and families. Its jurisdiction includes:

- Adoption
- Guardianship
- Foster care approval and review
- Delinquency
- Persons in need of supervision
- Family offense (domestic violence)
- Child protective proceedings (abuse and neglect)
- Termination of parental rights
- Custody and visitation
- Support

Family Court judges are elected to 10-year terms in each county outside New York City, and are appointed to 10-year terms by the Mayor in New York City.

CASELOAD ACTIVITY

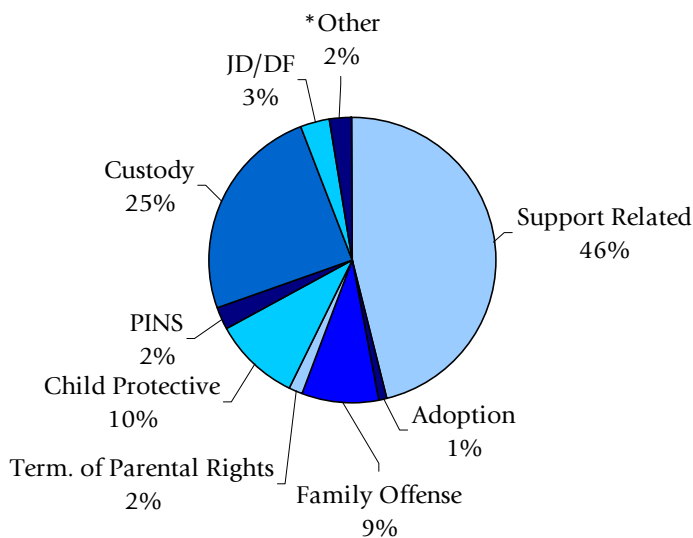
During 2001, there were 683,390 cases filed in the Family Courts throughout New York State.

A total of 681,414 cases reached disposition. A breakdown of filings and dispositions is contained in Table 12. The statistical data included in the annual report pursuant to sections 213 and 385 of the Family Court Act can be found published separately as Volume II of this report.

The different types of cases filed in Family Court during 2001 are reflected in Figure 10. Cases involving paternity, support, custody, and family offenses comprised 80% of the caseload. The remaining cases involved child abuse and neglect (10%), juvenile delinquency or designated felonies (3%), persons in need of supervision (2%), adoption (1%), and termination of parental rights cases (2%). All other case types comprised 2% of the caseload.

The court system's performance standard for Family Court cases is disposition within 180 days of the commencement of the proceeding, excluding periods when a case is not within the active management control of the Court. During the year, 95% of dispositions statewide were reached within the standard.

Figure 10
FAMILY COURT FIINGS: by Case Type - 2001



*Includes Guardianship, Foster Care, Physically Handicapped, Consent to Marry, and Other.

Table 12

FAMILY COURT FILINGS & DISPOSITIONS: by Type of Petition - 2001

TYPE OF PETITION	TOTAL STATE		NEW YORK CITY		OUTSIDE NYC	
	Filings	Dispositions ^a	Filings	Dispositions	Filings	Dispositions
Termination of Parental Rights	11,057	12,378	8,223	9,521	2,834	2,857
Surrender of Child	3,279	3,439	2,158	2,271	1,121	1,168
Child Protective (Neglect & Abuse)	67,038	67,843	28,227	28,363	38,811	39,480
Juvenile Delinquency	22,617	23,104	7,972	8,384	14,645	14,720
Designated Felony	821	875	410	509	411	366
Persons in Need of Supervision	16,706	16,937	3,368	3,570	13,338	13,367
Adoption	4,916	5,291	2,359	2,798	2,557	2,493
Adoption Certification	496	496	100	94	396	402
Guardianship	4,313	4,316	2,553	2,526	1,760	1,790
Custody of Minors	169,111	164,310	41,027	38,561	128,084	125,749
Foster Care Review	5,901	5,566	2,387	2,132	3,514	3,434
Approval for Foster Care	2,272	2,169	1,458	1,313	814	856
Physically Handicapped	8	15	0	0	8	15
Family Offense	59,137	58,238	26,927	26,737	32,210	31,501
Paternity	85,608	88,053	47,207	49,036	38,401	39,017
Support	217,352	215,982	47,160	47,727	170,192	168,255
Uniform Interstate Family Support Act	11,995	11,730	4,904	4,431	7,091	7,299
Consent to Marry	76	75	7	7	69	68
Other	687	597	97	91	590	506
Total	683,390	681,414	226,544	228,071	456,846	453,343

^aPetition type may change between filing & disposition.

Surrogate's Court

STRUCTURE

The Surrogate's Court is established in every county and hears cases involving the affairs of decedents, including the probate of wills, the administration of estates and adoptions. Surrogates are elected to 10-year terms in

each county outside New York City and to 14-year terms in each county in New York City.

CASELOAD ACTIVITY

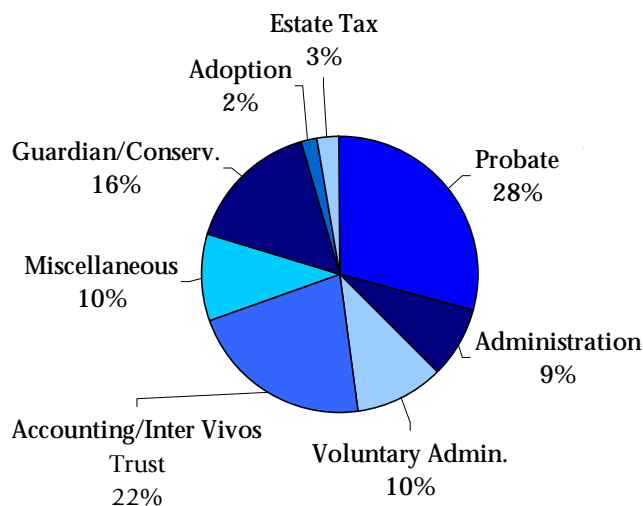
During 2001, there were 163,166 petitions filed and 124,858 dispositions in Surrogate's Court statewide. (See Table 13.) Figure 11 reflects the different types of cases handled by the Court.

Table 13
SURROGATE'S COURT: Proceedings by Case Type - 2001

	TOTAL STATE		NEW YORK CITY		OUTSIDE NYC	
	Filings	Dispositions	Filings	Dispositions	Filings	Dispositions
Probate	47,424	48,380	15,180	13,424	32,244	34,956
Administration	13,979	13,000	6,432	5,496	7,547	7,504
Voluntary Admin.	16,426	16,426	4,676	4,676	11,750	11,750
Accounting	35,137	9,397	3,608	1,396	31,529	8,001
Inter Vivos Trust	296	181	1	0	295	181
Miscellaneous	16,821	13,512	6,152*	6,145*	10,669	9,628
Guardian/Conser.	25,986	14,861	9,178	3,188	16,808	11,673
Adoption	2,798	4,756	782	1,347	2,016	3,409
Estate Tax	4,299	4,345	1,426	1,427	2,873	2,918
Total	163,166	124,858	47,435	37,099	115,731	90,020

*Included under Miscellaneous for New York County are 2,261 declarations of death that were filed and reached disposition due to the tragedy of September 11th.

Figure 11
SURROGATE'S COURT: Proceedings by Case Type - 2001



Arbitration

\$6,000 or less, while in New York City cases are limited to \$10,000 or less.

DESCRIPTION

Part 28 of the Rules of the Chief Judge (22 NYCRR), provides for the establishment of mandatory arbitration programs. Programs are operated in 31 counties. Outside New York City, the programs involve damages claimed of

CASELOAD ACTIVITY

Statewide, 18,721 cases were received for arbitration during the year. There were 17,750 dispositions, followed by 943 demands for trial de novo (see Table 14), a 5% rate.

Table 14
INTAKE, DISPOSITIONS & TRIALS *DE NOVO*
IN MANDATORY ARBITRATION PROGRAM - 2001

District	Intake	Dispositions	Demands for Trial De Novo	De Novo Rate
Total State	18,721	17,750	943	5%
New York City	1,620	1,574	286	18%
1 st	1,620	1,574	286	18%
2 nd	0	0	0	0%
11 th	0	0	0	0%
12 th	0	0	0	0%
Outside New York City	17,101	16,176	657	4%
3 rd	23	14	0	0%
4 th	15	10	0	0%
5 th	95	105	10	12%
6 th	39	31	2	8%
7 th	3,452	3,448	197	6%
8 th	117	124	4	4%
9 th	89	98	0	0%
10 th - Nassau	1,428	1,217	40	3%
10 th - Suffolk	11,843	11,129	404	4%

Community Dispute Resolution Centers Program

DESCRIPTION

The Community Dispute Resolution Centers Program ("CDRCP") provides financial support and program oversight to nonprofit community organizations that offer dispute resolution services in all 62 counties in the State. These centers provide cost-effective alternatives to court for the resolution of civil and family disputes as well as for minor criminal matters.

Case workload in each center includes

walk-in clients and referrals from courts and other agencies. Dispositions include cases conciliated without mediation, cases mediated, and cases arbitrated. Depending upon the matter in dispute or the choice of the parties, the CDRCP can be used instead of court or after the start of court proceedings. Where appropriate, agreements constructed by parties during the ADR process serve as legally binding contracts or are reviewed by judges to be entered into a court-ordered document.

CASELOAD ACTIVITY

In 2001, the centers received a total of 44,918 cases for review, of which 26,767 cases were determined to be appropriate for ADR (see Table 15).

Table 15 COMMUNITY DISPUTE RESOLUTION CENTERS¹ WORKLOAD: New York State by County - 2001

County	Total Cases	Total Conciliation/Mediation/ Arbitration Dispositions	DISPOSITIONS BY TYPE			
			Conciliations	Mediated Agreements	Mediated, No Agreement	Arbitrations
Total State	44,918	26,767	10,734	11,440	3,662	931
New York City	10,446	6,200	1,444	3,537	1,009	210
New York	1,919	1,222	127	699	252	144
Bronx	2,258	1,398	615	627	143	13
Kings	2,887	1,586	234	957	370	25
Queens	2,303	1,405	371	827	194	13
Richmond	1,079	589	97	427	50	15
Outside New York City	34,472	20,567	9,290	7,903	2,653	721
Albany	568	478	5	329	144	0
Allegany	75	46	19	25	2	0
Broome	1,349	545	110	323	105	7
Cattaraugus	279	100	26	68	6	0
Cayuga	46	19	2	13	4	0
Chautauque	415	246	86	116	35	9
Chemung	437	211	52	137	17	5
Chenango	282	95	20	61	12	2
Clinton	490	272	164	88	16	4
Columbia	272	88	6	53	28	1
Cortland	150	64	7	50	7	0
Delaware	322	107	12	74	21	0
Dutchess	923	418	11	242	162	3
Erie	10,968	6,662	6,175	291	45	151
Essex	42	29	2	20	7	0
Franklin	67	62	33	29	0	0
Fulton	26	16	2	8	4	2
Genesee	122	34	28	1	0	5
Greene	421	172	127	29	13	3
Hamilton	1	1	0	1	0	0
Herkimer	753	307	191	98	13	5
Jefferson	586	347	155	150	38	4
Lewis	43	20	9	7	3	1
Livingston	292	188	11	150	25	2
Madison	112	45	14	23	8	0
Monroe	1,041	486	48	307	77	54
Montgomery	95	71	1	60	9	1
Nassau	3312	2760	301	1584	807	68
Niagara	488	199	128	49	8	14
Oneida	641	398	20	162	48	168
Onondaga	1501	705	145	481	54	25
Ontario	181	110	13	82	14	1
Orange	454	347	127	135	71	14
Orleans	17	12	9	1	1	1
Oswego	340	198	10	166	21	1
Otsego	505	222	24	125	72	1
Putnam	56	42	4	12	23	3
Rensselaer	216	142	3	93	44	2
Rockland	235	153	10	74	29	40
Saratoga	282	133	14	79	35	5
Schenectady	333	125	9	77	30	9
Schoharie	27	13	4	7	0	2
Schuyler	81	54	9	42	3	0
Seneca	76	52	1	37	14	0
St. Lawrence	473	457	282	160	7	8
Steuben	339	158	82	51	25	0
Suffolk	763	642	23	326	245	48
Sullivan	166	155	4	132	19	0
Tioga	154	64	9	48	7	0
Tompkins	674	280	76	138	63	3
Ulster	466	266	50	184	30	2
Warren	172	112	15	97	0	0
Washington	64	56	0	56	0	0
Wayne	144	91	14	56	21	0
Westchester	2,013	1,407	580	633	147	47
Wyoming	36	17	8	7	2	0
Yates	86	68	0	56	12	0

Note: 1 Chapter 847 of the Law of 1981 created this program, which has provided alternative mechanisms for the resolution of minor disputes, both criminal and civil.

SOURCE: New York State Unified Court System, State ADR Office

CHAPTER 2

Administration of the Courts

Administration

Section 28 of Article VI of the State Constitution provides that the Chief Judge of the Court of Appeals is the Chief Judge of the State and its chief judicial officer. The Chief Judge appoints a Chief Administrator of the Courts (or Chief Administrative Judge of the Courts if the appointee is a judge) with the advice and consent of the Administrative Board of the Courts. The Administrative Board consists of the Chief Judge as chair and the Presiding Justices of the four Appellate Divisions of the Supreme Court. The Chief Judge establishes statewide administrative standards and policies after consultation with the Administrative Board and approval by the Court of Appeals.

The Court of Appeals and the Appellate Divisions are responsible for the administration of their respective courts. The Appellate Divisions also oversee several appellate auxiliary operations: candidate fitness, attorney discipline, assigned counsel, law guardians, and the Mental Hygiene Legal Service.

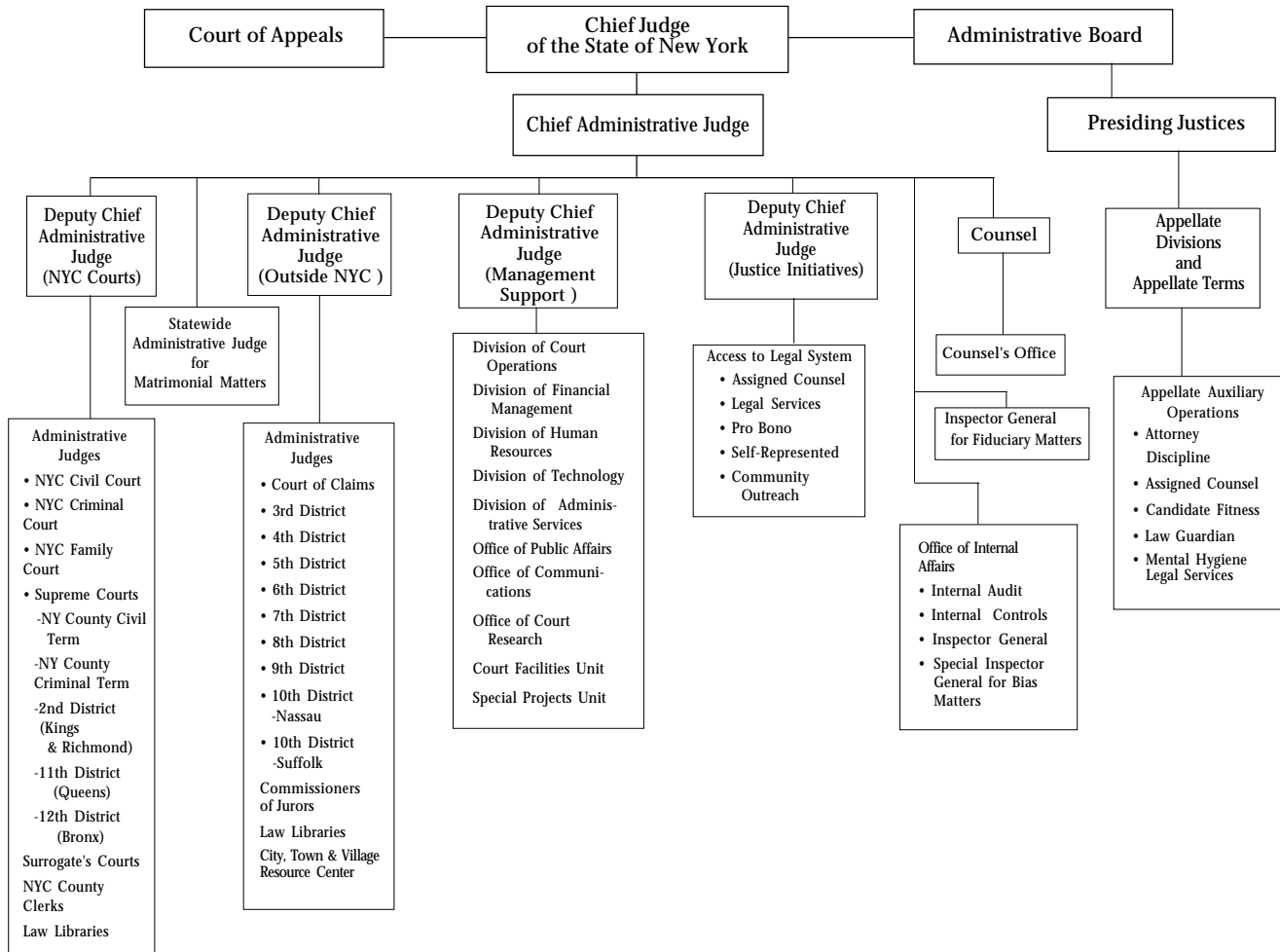
The Chief Administrator, on behalf of the Chief Judge, is responsible for supervising the administration and operation of the trial courts and for establishing and directing an administrative office for the courts - the Office of Court Administration. In this task, the Chief Administrator is assisted by two Deputy Chief Administrative Judges who supervise the day-to-day operations of the courts - one for New York City and one for the courts outside of New York City; a Deputy Chief Administrator who is responsible for the operations of the divisions and offices that comprise the Office of Management Support; a Deputy Chief Administrative Judge for Justice Initiatives; a Statewide Administrative Judge for

Matrimonial Matters; and a Counsel, who directs the legal and legislative work of the Counsel's Office. (See Figure 12 for a diagram of the administrative structure of the UCS.)

In addition to the overall supervisory duties of the two Deputy Chief Administrative Judges who oversee day-to-day court operations, responsibility for on-site management of the trial courts and agencies is vested in local Administrative Judges. In each judicial district outside New York City, a District Administrative Judge is responsible for supervising all courts and agencies. In New York City, an Administrative Judge supervises each major court. The Administrative Judges manage court caseloads and are responsible for general administrative functions, including personnel and budget administration.

The Office of Management Support provides the administrative services required to support all court and auxiliary operations. The Office consists of five separate Divisions: Court Operations, overseeing security, trial court operations, legal information and records management, and alternative dispute resolution programs; Financial Management, responsible for the Judiciary budget; Human Resources, encompassing personnel administration, employee relations, judicial benefits, education and training, professional development and the workforce diversity office; Administrative Services; and Technology. In addition, there are four offices: Court Research, providing caseload activity statistics and related services; Public Affairs; Internal Audit, performing internal audits and investigations; and Communications. Also included under the direction of the Office of Management Support are a Facilities Unit that assists localities in meeting their court facility obligations, and a Special Projects Unit which

Unified Court System Administrative Structure



works with the courts in implementing the model courts developed by the Center for Court Innovation.

The Deputy Chief Administrative Judge for Justice Initiatives provides statewide oversight in developing and implementing programs to assure meaningful access to justice for all New York citizens. The Office seeks to eliminate existing disparities and barriers that directly impact the public's ability to access the justice system, focusing on four major areas: strengthening the delivery of legal services for poor and moderate-income New Yorkers; increasing the provision of pro bono services for those unable to retain counsel; addressing the needs of self-represented litigants as they navigate the legal system; and expanding community education and outreach programs that inform the public about the courts.

The Statewide Administrative Judge for Matrimonial Matters oversees the delivery of information and services relating to matrimonial matters to judges, nonjudicial employees, matrimonial counsel and litigants. Responsibilities include implementing matrimonial rules, overseeing quality case management, handling complaints and working with bar groups to develop projects to assist indigent individuals to obtain a divorce.

Counsel's Office prepares and analyzes legislation, represents the UCS in litigation, and provides various other forms of legal assistance to the Chief Administrator. The legislative work of Counsel's Office during 2001 is reported in Chapter Four.

The Chief Judge and the Chief Administrator also rely on a number of advisory groups in meeting their administrative responsibilities. Among these are the Judicial Conference, and the standing Advisory Committees on Civil Practice, Criminal Law and Procedure, Family Court, Local Courts, and Surrogate's Court. The work of the Advisory Committees is summarized in Chapter Four.

Other committees or commissions that have been established include: the Franklin H. Williams Judicial Commission on Minorities, the Permanent Judicial Commission on Justice for Children, the New York Judicial Committee on Women in the Courts, the Ethics Commission for the Unified Court System, the Criminal Pattern Jury Instructions Committee, and the Advisory Committee on Judicial Ethics.

The accomplishments of some of these groups are outlined in Chapter Three.

The administrative work of the Office of Management Support is highlighted here in Chapter Two.

Division of Financial Management

The Division of Financial Management is responsible for the preparation, review and implementation of the Judiciary budget. It also develops and promulgates, on behalf of the Chief Administrative Judge, fiscal policies and procedures and performs other related functions. In addition, it supports the Unified Court System's (UCS) goals and objectives by requesting and allocating the necessary funds to carry them out.

The UCS's budget is based upon a fiscal year that runs from April 1 through March 31 of the following year. Each year, the budget is presented by the Chief Administrative Judge to the Court of Appeals for approval and for certification by the Chief Judge. After certification, it is transmitted to the Governor for inclusion in the State budget. Although the budget is to be submitted to the State Legislature by the Governor without revision, recommendations may be included as deemed appropriate by the Governor.

The court operations budget request prepared by the Division of Financial Management on behalf of the UCS includes funding for personal services (salaries for judges and nonjudicial personnel) and nonpersonal services (all other expenses, including equipment, supplies, etc.). Over 80% of the budget is allocated to the payment of personal services.

The budget request submitted for fiscal year 2001-02 was approved intact by the Legislature. A total of \$1.33 billion was appropriated for court and agency operations, reflecting a 4% increase over the previous year's allocation. This budget provides funding for 169 new positions for specific targeted initiatives in areas including family justice, civil justice, Community Courts and court security. These positions support initiatives in the Family Court, including the increased workload associated with the Adoption and Safe Family Act, Family Treatment Courts to address the growing problem of drug abuse and child

neglect, and dedicated Domestic Violence parts. In addition, the budget provides funding for the continuation of drug treatment courts being phased in throughout the State. The budget also provides funding (to be financed via certificates of participation) for furnishings and equipment and to continue automation improvements in the courts. Also included in the approved fiscal 2001-02 budget are funds to complete renovations and repairs to the Court of Appeals building and the courtroom and offices of the Appellate Division, Third Department.

The funding provided in this budget will continue, undiminished, to support the operational capacity of trial courts to process current caseloads. It will also support the continuation of the program commenced by the Chief Judge and Chief Administrative Judge to achieve economy and efficiency through reducing the administrative overhead of the court system.

Court Facilities

Trial and appellate court facilities in New York State are provided and operated by the cities and counties they serve. Since the adoption of the Court Facilities Act (CFA) in 1987, the UCS has been providing guidance, direction, and financial assistance to local governments to help

them meet their facilities responsibilities. The Act has been amended several times, in each case enhancing the State's role and increasing the amount of financial assistance provided to localities for court facilities needs.

In accordance with the CFA, the State administers a capital planning process that requires localities to assess their court facilities needs and propose required improvements. The State then provides technical assistance in estimating workload needs, architectural layout requirements, and financing options. The State also provides an interest subsidy to help defray the cost of money borrowed to finance court facilities improvements. In addition to assisting in the building process, the State, after completion this year of a four-year phase-in period, is now fully responsible, by contract with the host localities, for providing court cleaning and minor repairs. It also reimburses localities for all facilities-related expenses associated with the Appellate Division courts. Collectively, these programs have sparked a renaissance in court facilities across the State and now provide over \$80 million a year to cities and counties to help meet their court facilities needs.

At least partly as a result of this program, several major new court facilities were completed and placed in operation in 2001.

*The Erie County
Family Court*



Christopher T. Burns



The Orange County Court Complex

These included a new Family Court in Erie County and new court complexes in Rockland and Orange Counties. Also during the year, ground was broken for the two largest and most ambitious court facilities ever built in the State – the 74-courtroom Kings County Supreme/Criminal and Family Courthouse being built by a private developer; and the new 47-courtroom Bronx County Supreme/Criminal Courthouse being built by the State Dormitory Authority.

A number of other major court facilities are under construction and nearing completion, including a new Queens County Family Court building, a major renovation of the Queens County Supreme Courthouse, a combined new County Courthouse and City Court to serve Onondaga County and the City of Syracuse, a major reconstruction of and addition to the Westchester County Court Complex in White Plains, and a totally new court complex in Yates County. And, to relieve space pressures in existing court buildings in New York City, a new records storage facility is being constructed in a former military terminal in Brooklyn.

During the year, planning and design work continued so that still-unmet facilities needs in Manhattan, Staten Island, the eastern portion of Suffolk County, Jefferson County, the City

of Newburgh, and other smaller jurisdictions can be adequately addressed in future years.

Division of Court Operations

The Division of Court Operations provides support and guidance to the court system in the areas of trial court operations, including security, alternative dispute resolution programs, legal information, and records management, as well as issues related to the Americans with Disability Act, and domestic violence as it affects the workplace.

Office of Trial Court Operations

The Office of Trial Court Operations assists the courts and agencies within the court system with ongoing analysis of operations aimed at improving procedures and the quality of service in courts throughout the State. It works in conjunction with other units of OCA, the courts, and outside government agencies on projects critical to the operation of the courts. It also oversees the development of all procedural manuals in the courts and assists with specialized training.

During the year, Trial Court Operations worked with the New York City Department of Finance to develop a computerized cash bail

system; coordinated a statewide capital case workshop; and began work on the Family Court Access Project, with the goal of reducing in-court waiting time for litigants and increasing litigants' comprehension of and satisfaction with court proceedings. It also helped develop a landlord-tenant guide for self-represented litigants outside New York City, proposed a new brochure for navigating New York City Small Claims Court, and made all Civil Court operational manuals available on line for court personnel.

The Office of Legal Information

The Office of Legal Information provides on-site assistance to courts, law libraries and the public in the areas of legal research. It develops, coordinates and implements policy and programs that enable the courts to make efficient use of available print and computer-assisted legal information.

There is a public law library providing resources to the bar, local attorneys and the general public in every county in the State. Legal Information staff provide professional assistance to each of these libraries, including help in implementing the latest technological advances. The Office also maintains the 1-800-COURT-NY toll-free telephone number, hosted by a team of librarians available to answer a wide range of court-related questions and refer callers to the most appropriate resource.

Implementation of COURTNET UCS-LION (Library and Information Network) continued with the successful completion of its automated on-line library catalogue. This single, automated catalogue replaces on-site library card catalogues and allows a universal on-line catalogue of all reference materials to be available in courthouses throughout the State. Holdings of all collections are now available on-line, both to the public, through the UCS's website, and to court personnel, through the UCS's intranet.

The Office of Records Management

The Office of Records Management is responsible for developing standards for managing paper and micrographic records. During the year, Electronic Records Guidelines developed by the Office were adopted. These guidelines will allow courts and court agencies throughout the court system to enhance their existing record management systems through

the use of electronic files and the electronic transfer of information. The Office also developed electronic document management systems for Surrogate Court offices in New York, Westchester and Erie Counties, to be fully completed in 2002.

Work is under way on the Brooklyn Army Terminal Facility for New York City court record storage. It is anticipated that this facility will be completed and available for use in mid-2003. In order to facilitate immediate occupancy upon completion of the space, an evaluation has begun to identify the utilization requirements of the affected courts.

Alternative Dispute Resolution Programs

The court system has demonstrated a long-term commitment to utilizing alternative dispute resolution as an expeditious and cost-effective option to litigation. The Office of ADR Programs provides ongoing assistance to all courts seeking to develop court-annexed ADR initiatives using mediation, neutral evaluation, arbitration and summary trials. The Office provides a variety of training seminars for court employees, ADR neutrals serving on court rosters and mediation trainers. A statewide ADR Advisory Committee, which is composed of judges, attorneys, leading academics and ADR practitioners, provides guidance to the Office.

The Office also administers the Community Dispute Resolution Centers Program ("CDRCP"), which, since 1981, has supplied financial support and program oversight to non-profit community dispute resolution centers throughout the State.. These centers provide dispute resolution services for minor civil, criminal and family matters referred from community agencies and courts in all 62 counties. The CDRCP has also played a valuable role in expanding the use of ADR within the courts. This year, working with the Office of Justice Initiatives, CDRCP coordinated a partnership between their resource centers and local CDRCP's. In addition, the court system received a federal grant and was certified by the United States Department of Agriculture as a designated agency to provide mediation services in New York State for farm-related matters.

The ADR Office maintains a web site at www.courts.state.ny.us/adr, and publishes two newsletters: The New York Mediator, which is

written primarily for mediators who serve in the Community Dispute Resolution Centers, and the ADR Update, which is published biannually and disseminated to judges and court personnel.

Access to the Courts for Individuals with Disabilities

Through the Division of Court Operations, and a statewide ADA Committee, the court system communicates its commitment to promote and protect the rights of court users and court personnel under the Americans with Disabilities Act (ADA). This is, in part, accomplished through a campaign of information-sharing and training efforts managed by this office.

This year, for those inside the court system, an ADA web site was launched which identifies liaisons, resources and devices available in the courts. It includes an e-mail message site through which courts may ask ADA-related questions, make comments or share solutions. To improve communication, a formal procedure was established requiring nonjudicial personnel to notify the Division in the event that a request for an ADA accommodation by a court is denied.

And, at the recommendation of the statewide ADA Committee, a poster was designed and distributed to all jury operations, offering assistance and information for individuals with disabilities who find themselves in a courthouse.

Domestic Violence: A Workplace Issue

When the court system adopted a policy on Domestic Violence in August, 2000, the message was one of commitment "to increasing employee awareness of domestic violence and information about available sources of assistance, ensuring that personnel policies and procedures do not discriminate against victims of domestic violence, and assisting victimized employees in addressing workplace-related safety issues." In helping to implement that policy, the Division, working together with the Division of Human Resources and the Center for Court Innovation, coordinated training for court managers, which was offered at each of the nonjudicial seminars held during the year. These sessions included a video focusing on domestic violence and the workplace, a presentation on the dynamics of domestic

violence, an introduction to services available through the court system's work life assistance program and a discussion of both the court manager's role and responsibility to employees who are victims of domestic violence.

Division of Technology

The Division of Technology (DoT) provides information processing and technology services for the Unified Court System. CourtNet is the court system's high-speed, standards-based network, which is the backbone for implementing technological changes that enhance the operations of the courts. In 2001, the Division continued to implement changes and enhancements to existing systems and develop new systems, including the following:

Drug Courts

Thirty-seven drug courts began using a single uniform data base (UTA) to collect data and manage cases. Several enhancements were made during the year to this application and to the drug court web site, including the implementation of a program to collect information on social services being provided to the clients of the courts.

A version of the Drug Court application called TRP (Treatment Readiness Program) is being piloted in the Manhattan Misdemeanor Drug Court and shortly will be implemented in the Brooklyn TRP program.

The Family Drug Court application was completed and tested in the Manhattan and Suffolk Family Drug Courts. These courts, along with the Albany Family Drug Court, will start using the application in January, 2002.

E-Solutions

The E-Solutions group of DoT develops applications which provide easier access to court information through the use of the Internet. The group's premier application, *CaseTrac*, will allow users to access hundreds of thousands of Civil Supreme Cases in all 62 counties. CaseTrac is entering a final testing phase and is scheduled to be in production during the first quarter of 2002. For a small service fee, users will be able to create their own case lists for on-line case tracking, and request automatic e-mail notification each time a change occurs in any case on their list. Users will have a central calendar showing the

appearance information for all cases on their list, with links to more detailed information. Future plans call for the availability of additional case types on this service, as well as a secure e-mail system for attorneys who are registered with the court system.

Future Court Appearance System

The Future Court Appearance System provides free case and calendar information over the Internet for civil Supreme Court matters in all 62 counties in the State. Users can search for a case by index number, or name of plaintiff, defendant, or law firm. Appearance information from 21 different criminal courts is also available. By typing a defendant's name into this Internet application, the user can find the next court appearance for that defendant. During the year, close to one million searches were made using this system and over 64,000 scanned decisions from 20 different counties were added. The project's aim is to add case information to this system for all court types and locations.

Universal Case Management System

In July, Dutchess County Family Court became the first court to implement the Universal Case Management System (UCMS). The goals of this program are to standardize court data statewide, provide data access on a real-time basis to judges and clerks, and streamline case management through electronic and operational modifications. It should also facilitate data communication among the courts and outside agencies. By year's end, another eight Family Courts were online. Initial implementation of UCMS in the New York City Civil Court will begin in 2002. Over time, UCMS will replace all case management systems in the courts.

Voice over IP Phones

The aftermath of September 11th left many of the courts in lower Manhattan without phone service. In a short time, using available data lines, DoT was able to restore phone service to those courts using a new voice over IP phone system, the largest implementation of this technology to date in the country. At the close of 2001, there were still almost 500 standard telephones out of operation. The over 600 voice over IP phones that were installed have

allowed the courts in the locations affected to return to work as normal.

Video Conferencing

This year heralded the first wide-scale use of video conferencing throughout the court system. Installed in over 15 locations throughout the state, video conferencing over CourtNet has proven reliable and cost-effective, reducing travel costs and staff time. Meetings, conferences and educational programs have used this resource. In addition, with the cooperation of the State Department of Corrections, numerous court appearances have been held from jails and prisons across the state.

Division of Human Resources

The Division of Human Resources' six operational offices provide a range of personnel- and employment-related support to the courts. Among other things, the Personnel Office administers the Judiciary's civil service system for its competitive-based staffing, while the Employee Relations Office negotiates and administers the court system's 13 collective bargaining agreements. Several separate training units—Education & Training, Career Services and Workforce Diversity—are responsible for developing and delivering the system's extensive training programs, as well as providing related development resources. The Division's Judiciary Benefits Office acts as a liaison to the Executive Branch in providing health care, retirement and related employee benefits, while also developing supplemental benefit resources for judges and nonjudicial personnel.

Throughout the year, the Division devised and delivered programming and services uniquely tailored to enhance the work lives of judges and nonjudicial personnel. The following are among the year's highlights.

Employee Development

The Career Services Office oversees professional development for court system personnel which is essential both for meeting court operational needs and efficiency, and enhancing employee well-being and self-confidence. During the year, the Office expanded its offerings by introducing a personal professional development program

to improve the skills base of employees serving in clerical support positions. This program provides training in a range of professional skills, including telephone techniques, writing, and interviewing techniques, to employees who formerly had not been targeted for specific training resources.

A program specially tailored for supervisors was offered to benefit newly promoted employees assuming supervisory positions. Designed to orient individuals to management techniques, "Making the Transition" provides critical supervisory skills, such as coaching and counseling, managing conflict, and human resource management. During the year, close to 300 supervisors attended these sessions throughout the state.

Executive and senior managers also received training provided by management consultants, with presentations on leadership, change management and communications skills.

Enhancing security training and preparedness was also a priority this year for the Court Officers' Academy, which provides training for the over 2,500 court officers employed by the court system. The Academy expanded its curriculum to include continuing training for all officers, and programs tailored to the specific needs of on-line supervisors, as well as mid- and upper-level supervisors.

Career Services is also responsible for overseeing the Quality Service Program, with the objective of ensuring that professionalism and courtesy are accorded to all court users. During the year, court system managers and personnel were presented multi-faceted training emphasizing the court system's mission of professionalism and courtesy, as well as conflict resolution skills. A survey program soliciting feedback from court users continues to provide information about the court system's success in meeting this mission. In all, 10,000 surveys have been returned with comments reflecting experience throughout the State. A special awards program was also initiated, recognizing outstanding contributions of court managers who exemplify quality service skills.

Workforce Diversity

The Workforce Diversity Office develops the critical skills necessary to recognize and

respond to all types of diversity so as to achieve success in the workplace. It also works to ensure a diverse workforce in order to foster a professional, responsive work environment.

This year, the Office inaugurated a Justiceworks training program, focusing on diversity issues. A full-day training session was held for 80 executive-level managers to focus on the importance of an inclusive workforce and managing the differences between employees, while making the most of their strengths. Special follow-up training for mid-level managers continues to reinforce the Justiceworks principles of inclusion and equity in the justice system.

Judicial and Legal Staff Development

The court system is a certified provider of continuing legal education and continuing judicial education programs in New York State, and offers CLE and/or CJE credit, as appropriate, to attorneys employed by the court system and judges who attend these programs. During the year, the Office of Education and Training offered a range of education programs.

Judicial Seminars

The judges who comprise the Court of Appeals and the four Appellate Divisions of Supreme Court attended a three-day educational seminar with sessions devoted to recent US Supreme Court decisions, including *Bush v. Gore*, statutory interpretation, domestic violence, and civil practice.

Special four-day annual seminars were presented to trial-level judges, with over 40 sessions of classes each week in subject areas covering civil, criminal, family, and trusts and estates law, as well as evidence and judicial skills. Sessions also covered substantive annual updates in many areas, including capital punishment, UCS initiatives, evaluations of new legislation and professional rules, new developments in trial techniques, and programs for special courts. A wide variety of computer workshops were available, with judges able to participate in an interactive video training program on evidence. The faculty included judges, academics, hard science and behavioral science experts, and practicing attorneys.

Approximately 60 judges participated in a five-day orientation seminar designed for those recently elected or appointed to the bench,

providing lectures and workshops on a wide variety of substantive legal subjects and on courtroom case-management, with particular emphasis on the knowledge and skills needed to manage a smoothly-run courtroom.

Family Violence Task Force Seminars were conducted throughout the State on enforcement of orders of protection, and a special two-day matrimonial seminar addressed issues of concern to judges, law clerks, and court clerks. The matrimonial sessions addressed subjects such as child support, dealing with forensic reports in child custody litigation, valuation, and enforcement of matrimonial orders/judgments.

Hearing Examiners Training

A two-day program was presented to over 100 Family Court Hearing Examiners on issues related to their jurisdiction, including enforcement and expedited support, ethics,

accounting issues, UIFSA, and recent developments in case law and legislation.

Legal Update for Court Attorneys

This two-day program, which is offered annually in several locations throughout the State, provides 1,800 court attorneys with an update on civil law and procedure, criminal law and procedure, family law, evidence, and other topics. Special programs also were available on computer usage and on-line legal research.

Town and Village Justice Training Program

There are approximately 2,230 town and village justices in the State, of whom most are not attorneys. New justices who are not lawyers are required to complete a six-day basic certification course covering the fundamentals of law and their responsibilities as justices. The certification courses were offered five times during the year, in addition to training programs for town and village court clerks presented throughout the State.

Each year, town and village justices are required to attend an advanced continuing judicial education program consisting of two days of instruction covering selected legal topics. In addition to the attendance requirement, all non-attorney town and village justices must pass a written examination that is administered at the program. Participants in 2001 attended lectures covering subjects including domestic violence, judicial ethics and jury selection, and also received an update on new legislation.

A separate City, Town and Village Courts Resource Center ("Center"), operating independently of E&T, offers advice and guidance to the justices of City, Town and Village Courts and their court clerks throughout the State. It is staffed by attorneys who provide assistance on legal questions, and by non-attorneys who serve as advocates in dealing with the localities in connection with a variety of



Nancy Lucadamo

Judges receiving one-on-one computer training at the annual Judicial Seminar

issues including facilities and personnel. During the year, the Center handled approximately 13,000 inquiries.

Division of Administrative Services

The Division of Administrative Services provides a wide range of support services to the trial courts and to OCA's divisions and offices. These services include key office management functions that support the day-to-day operation of central and local administration; major purchasing, contract procurement, accounts management, and revenue processing responsibilities. They also include high-volume data-entry services and management of criminal history search operations serving private businesses and government agencies that generate approximately \$10 million in annual revenue. In addition, the Division performs significant statewide information management functions involving a variety of registration, certification, and application processes (largely related to the status of attorneys and case processing) and oversees the staff of the Continuing Legal Education Department.

Attorney Registration

Section 468-a of the Judiciary Law and the Rules of the Chief Administrator (22 NYCRR 118) require all duly-admitted New York attorneys to file a biennial registration form. The filing requirement is mandatory for all attorneys licensed to practice law in New York, whether resident or nonresident and whether or not in good standing. An accompanying fee of \$300 is required to be paid with each biennial registration, except from those attorneys who certify that they are retired from the practice of law.

As of the end of calendar year 2001, 188,917 attorneys were registered with the Office of Court Administration. Table 16 is a breakdown of the number of attorneys with business addresses in each county within New York State as well as those who list addresses elsewhere.

The Attorney Registration Unit receives 300 to 400 phone calls a day regarding NYS attorneys, and responds to hundreds of

questions a week received in e-mails and letters sent to the office. During 2001, the Attorney Registration Unit processed 60,004 registrations and collected \$17,962,600 in registration fees. Pursuant to Section 468-a of the Judiciary Law, \$60 of each registration fee paid is allocated to the Lawyers Fund for Client Protection, and the balance to the Attorney Licensing Fund.

A number of significant improvements to the Attorney Registration program, largely in the areas of communications and database enhancements, were implemented during the year. These were extremely important because the events of September 11th had a direct effect on the Attorney Registration Unit. More than 1,800 attorneys had offices in the World Trade Center, and many thousands more had offices in the immediate vicinity of the disaster. The Unit worked with state and local bar associations to insure that these attorneys' addresses were updated and to assist the public attempting to locate attorneys whose offices had closed or relocated.

Fiduciary Reporting Process

Part 36 of the Rules of the Chief Administrator (22 NYCRR Part 36) requires that all appointments of guardians, guardians *ad litem*, court evaluators, attorneys for alleged incapacitated persons, referees, receivers and persons designated to perform services for receivers be made by the appointing judge from a list of applicants established by the Chief Administrator of the Courts, unless the court finds there is good reason to appoint someone who is not on the list and places a statement to that effect on the record. During 2001, there were 9,883 notices of appointment filed with the Chief Administrator by fiduciaries.

Section 35-a of the Judiciary Law requires judges who approve the payment of a fee for more than \$500 for services performed by any person appointed by the court to file a statement of approval of compensation with OCA. In 2001, OCA received a total of 6,159 statements of approval of compensation.

In Spring, 2001, The Chief Administrator announced several policy changes to improve compliance with existing fiduciary filing requirements. Among these was the assignment of a dedicated fiduciary clerk in each

Administrative Judge's office responsible for the collection and review of all fiduciary forms prior to their transmittal to the Office of Court Administration. Ongoing training and support for the fiduciary clerks were significant activities for the Fiduciary Unit throughout the year.

Retainer and Closing Statements

Pursuant to 22 NYCRR Parts 603.7, 691.20 and 1022.2, every attorney who enters into a contingent-fee agreement in any case involving personal injury, property damage, wrongful death, or claims in connection with condemnation or change-of-grade proceedings in the First, Second, or Fourth Departments must file a statement of the retainer with OCA. These retainer statements include the date of agreement, plaintiff name and terms of compensation.

In addition, in any case or proceeding that requires a retainer statement to be filed, a closing statement must be filed within 15 days after the attorney receives or shares in any sum obtained in connection with the claim. This statement must include information indicating the gross amount of the settlement or award (if any), the net distribution between client and attorney, and a breakdown of other expenses and disbursements. A closing statement must also be filed if an action is abandoned or if the agreement is terminated without recovery.

During 2001, a total of 429,552 retainer and closing statements were processed. Of these, 164,961 were filed in the First Department; 243,304 in the Second; and 21,287 in the Fourth Department.

Adoption Affidavits

In accordance with the rules of the respective Appellate Divisions, 22 NYCRR Parts 603.23 (1st Dept.), 691.23 (2nd Dept.), 806.14 (3rd Dept.), and 1022.33 (4th Dept.), all attorneys in adoption proceedings must file an affidavit with OCA concerning the adoption prior to the entry of the adoption decree. The objective of the filing is to maintain a record of attorneys and agencies involved in adoptions and to record the fees, if any, charged for their services.

During 2001, 6,389 adoption affidavits were filed with OCA.

Continuing Legal Education

New York adopted a mandatory continuing legal education ("CLE") program in 1997. As of October 1, 1997, newly admitted attorneys (defined as those who are admitted to practice in the State on or after that date) are required to complete 32 hours of accredited CLE within the first two years of admission.

The CLE requirement was extended to experienced attorneys (defined as those who are admitted to practice in the State more than two years) on December 31, 1998. Experienced attorneys are required to complete 24 hours of accredited CLE every two years. The CLE program has been flexibly designed so that experienced attorneys may fulfill their requirement in a variety of ways, ranging from live lectures to self-study formats, as well as by teaching and lecturing, or writing articles for law publications.

During the year, random audits for CLE compliance were conducted on 250 newly-admitted attorneys and 249 experienced attorneys. All of the experienced attorneys who were audited responded and were found to be in compliance. Of the newly-admitted attorneys questioned, 223 attorneys (89%) responded; of those, 91% (204 attorneys) were found to be in compliance. The names of those new attorneys who had either failed to respond to the audit, or had not complied with their CLE requirements, were submitted to their respective Appellate Division for appropriate action.

This year, the CLE Board promulgated regulations and guidelines for the award of CLE credit for *pro bono* work. Special procedures for attorneys and providers who were adversely affected by the attacks on the World Trade Center were also issued.

Additional information on the CLE program is accessible through the CLE Board's web site found at: www.courts.state.ny.us or by e-mail: CLE@courts.state.ny.us.

Table 16
ATTORNEY REGISTRATION BY LOCATION – Calendar Year 2001

COUNTY OF BUSINESS

<i>Location</i>	<i>Total</i>	<i>Location</i>	<i>Total</i>
Albany	3,635	Otsego	99
Allegany	39	Putnam	242
Bronx	1,993	Queens	4,068
Broome	567	Rensselaer	354
Cattaraugus	98	Richmond	994
Cayuga	104	Rockland	1,141
Chautauqua	207	St. Lawrence	110
Chemung	166	Saratoga	385
Chenango	64	Schenectady	374
Clinton	108	Schoharie	47
Columbia	149	Schuyler	19
Cortland	58	Seneca	38
Delaware	75	Steuben	146
Dutchess	716	Suffolk	4,841
Erie	4,079	Sullivan	186
Essex	120	Tioga	55
Franklin	69	Tompkins	286
Fulton	72	Ulster	389
Genesee	81	Warren	184
Greene	86	Washington	67
Hamilton	8	Wayne	87
Herkimer	69	Westchester	7,009
Jefferson	148	Wyoming	43
Kings	5,494	Yates	19
Lewis	20	Outside N.Y.	
Livingston	68	State	40,943
Madison	89	Out of USA	5,292
Monroe	2,819	No Business Address	19,929
Montgomery	80		
Nassau	10,635	Total	188,921
New York	65,596		
Niagara	325		
Oneida	515		
Onondaga	2,111	Judicial Department of Business	
Ontario	167	First Department	67,589
Orange	785	Second Department	35,925
Orleans	24	Third Department	7,901
Oswego	115	Fourth Department	11,322
		Total	122,737

Office of Public Affairs

The mission of the Office of Public Affairs is to enhance the public's understanding of the New York State court system via community outreach and education projects, and to keep court employees informed of the work of the Judiciary. The Office coordinates community outreach initiatives, special events and employee recognition programs, oversees the distribution of public information materials and manages intergovernmental relations for the courts.

The Office of Public Affairs plays a prominent role in coordinating annual court events, including the State of the Judiciary address and the Court of Appeals' Law Day ceremony. This year, in response to the September 11 tragedy, the Office arranged memorial services and other special events to pay tribute to the three court officers who perished at Ground Zero in their efforts to save others and to recognize the efforts of the workforce at large, as well as those individuals who sustained personal losses.

School groups and other constituencies learn about the court system through the Office of Public Affairs' Court Tours Program, based in New York City, which continues to grow in popularity. During the year, the Court Tours Program served thousands of visitors, from elementary school students to senior citizens. The Office also handles thousands of requests from schools, community groups, government agencies and individuals for court publications on topics ranging from navigating Small Claims Court to jury service and other court innovations. The Office is working to reach an even wider audience via the courts' print and online publications, and in addition to producing *Jury Pool News*—a quarterly newsletter informing jurors and the general public about the latest court initiatives—

provides ongoing editorial assistance to the courts on a variety of internal and external publications.

In May, the Office launched a new web site designed to acquaint elementary to high school students and the public at large with their courts. The web site includes learning activities for students at various grade levels and aids for teachers developed in accordance with the requirements of the State's social studies curriculum. The Office is collaborating with jurists, education experts and others to further refine the site to meet the evolving needs of students and the general public.

Office of Court Research

The Office of Court Research provides caseload activity statistics, jury system support and operations research services to all courts within the Unified Court System.

In its role as the statistics office for the court system, the Office of Court Research prepares analyses of caseload activity for court administrators in the areas of caseload performance, judicial needs analysis and court staffing. It also provides caseload activity information to other agencies, the press and public.

The Office's research unit studies methods for improving court operations. During the year, it conducted a study examining ways to improve the Family Courts' services to self-represented litigants.

The jury system unit supports all aspects of the Chief Judge's jury reform program and provides operational and fiscal support to jury systems statewide. The court system's Jury Summit, which brought together jury professionals from around the country and was held in January, marked the culmination of the previous year's work. The event is highlighted in Chapter Three.

CHAPTER 3

Program Highlights

Center for Court Innovation

The Center for Court Innovation is a unique public-private partnership that serves as the independent research and development arm of the court system, promoting ongoing innovation and improving the ways that courts address problems such as addiction, mental illness, domestic violence and juvenile delinquency.

The Center's primary role is to create demonstration projects that test new ideas, strategies and technologies in an effort to improve the way the courts serve citizens. The goal is to use these demonstration projects as laboratories, where new ideas can be field-tested and if successful, implemented system-wide. The Center also shares its lessons with

other states throughout the country, helping keep New York at the cutting edge of court innovation. Highlights from the Center's work in 2001 include:

Neighborhood Problem-Solving

Opened in May, the Harlem Community Justice Center is a multi-jurisdictional court that seeks to solve neighborhood problems such as youth crime and landlord-tenant disputes. Housed in a renovated magistrate's court built in 1892, the Harlem Community Justice Center tests the extent to which a court and community can work together to promote public safety and spur neighborhood renewal.

The Justice Center addresses many housing disputes before they reach court by providing litigants with information and



Chief Administrative Judge Jonathan Lippman, Mayor Rudolph Giuliani, and Terry Lane, President of the Upper Manhattan Empowerment Zone, look on as Chief Judge Judith S. Kaye and Youth Court member Yohaney Garcia cut the ribbon at the opening of the Harlem Community Justice Center

services, which include mediation, benefit assistance, and classes about the rights and obligations of both tenants and landlords.

The Justice Center also handles selected Family Court matters involving youth under 16 arrested for drug offenses and other non-violent charges. It links teenagers to community service, treatment, and other services in an effort to help them avoid further delinquent behavior.

The Center for Court Innovation has helped launch similar projects, including the Red Hook Community Justice Center in Brooklyn, which brings a comprehensive multi-jurisdictional approach to neighborhood problems. A judge there hears Criminal, Family and Housing Court cases, emphasizing community restitution and accountability with an array of on-site sanctions and services, including drug treatment, mediation, job training, community service and mental health counseling. In its first full calendar year of operation, the Red Hook Center handled more than 21,000 court appearances.

Domestic Violence

The Center for Court Innovation provides technical assistance to the six jurisdictions that serve as pilot sites for an Integrated Domestic Violence (IDV) Court model. By bringing together criminal, family and matrimonial issues involving a single family before one judge, IDV Courts help to ensure victim safety, continuity and effective case resolution.

In the past, victims of domestic violence have been required to file petitions in multiple courts and appear in front of more than one decision-maker. Integrated Domestic Violence Courts seek to simplify the system and to provide a consistent response to domestic violence cases. The Center's technical assistance enables IDV Courts to train staff responsible for service referrals and court monitoring and obtain comprehensive information about orders of protection, child custody determinations, and divorce decrees. Three IDV courts currently handle cases in Bronx, Westchester and Rensselaer Counties – with three more to open next year.

The Center has also developed a technology application for felony domestic violence courts that allows the judge and other court staff to track defendants' compliance with

court orders. The application ensures that judges are informed of non-compliance immediately, allowing them to fashion a rapid and meaningful response. The Center is currently adapting the application for use in high-volume misdemeanor courtrooms.

Youth Crime

The Bronx Juvenile Accountability Court opened in November to provide oversight to juvenile probationers assigned to the Juvenile Intensive Supervision Program. Participants are required to appear regularly before the judge to develop individualized case management plans and assess compliance with conditions of probation. The program stresses family engagement and links to critical services. The Juvenile Accountability Court pilot currently operates in one designated delinquency part of the Bronx Family Court and, next year, will expand to include cases from the other two delinquency parts there.

The Center has also piloted efforts to educate young people about the legal system and promote civic engagement. The Center operates three "youth courts" in Red Hook, Harlem and Crown Heights. The youth courts are peer-led tribunals where teenagers are trained to serve as jurors and attorneys, handling real-life cases (truancy, shoplifting, etc.) involving their peers. The goal is to turn peer pressure on its head, using it as a positive force to promote positive, law-abiding behavior.

New Directions

Plans are under way for the Brooklyn Mental Health Court, scheduled to open next year, to hear misdemeanor and low-level felony cases and offer defendants with serious mental illness judicially-monitored mental-health treatment as an alternative to incarceration. Operating out of a dedicated courtroom in Kings County Supreme Court, the Court will work with defendants who have serious and persistent mental illnesses, such as schizophrenia and bipolar disorder, but are not believed to be incompetent or not guilty by reason of mental disease or defect. The goal of the Mental Health Court will be to use judicial authority to link mentally-ill offenders to treatment, help stabilize their illness and prevent their return to the criminal justice system.

Judicial Institute

In October, the UCS, along with the Governor and key members of the Legislature, broke ground on the Judicial Institute, the first judicial training and research facility in the country to be custom-built by and for a state court system. The Institute, which was launched in 2000, is scheduled to open in 2002. This innovative venture is being created through a unique partnership between the New York State courts and Pace Law School, and will be governed by a board of trustees composed of judges, legislators, law professors and practicing attorneys.

The Judicial Institute, a multi-story, free-standing facility under construction on the campus of Pace Law School in Westchester County, will provide: a forum for judicial scholarship that will include continuing education seminars and conferences; the identification of new and emerging legal, technological, social, criminal and administrative trends affecting the courts; and cooperative education programs with other branches of government, as well as other state and federal judicial systems.

This year, in conjunction with the development of the Judicial Institute, Pace Law School established the Center for Judicial Studies. The Center will serve as an adjunct to the Institute and will provide research, faculty and student talent, as well as other valuable resources. Together, these innovative projects will place New York at the forefront of judicial education and training.

Court Drug Treatment Program

The Office of Court Drug Treatment Programs (OCDTP), under the leadership of Deputy Chief Administrative Judge Joseph J. Traficanti, Jr., is responsible for developing and overseeing a statewide drug treatment court initiative to provide court-mandated substance abuse treatment to nonviolent drug-

addicted offenders, as well as parents charged in Family Court child neglect cases, in an effort to end the relentless cycle of addiction and recidivism. The mandate of the Office, which was established in 2000, is to ensure that within three years, all non-violent addicted offenders brought before the courts will be offered an opportunity for treatment.

This innovative addiction-focused court drug treatment program integrates substance abuse treatment with legal case processing, recognizing that drug possession and use are not merely a criminal justice issue, but a community problem. The program includes drug screening for criminal cases and the creation of specialized courts that exclusively focus on persistent misdemeanor offenders. These drug treatment courts provide referrals to



Leslie Smith

substance abuse treatment programs, intensive court monitoring and judicial review and supervision of a defendant's progress while in treatment. Offenders are held accountable through a series of graduated sanctions and rewards as well as aftercare services.

The focus of the OCDTP is twofold: building an infrastructure for sustained growth, and expanding the program. Of equal concern is ensuring the quality of the programs initiated. Continuous monitoring of

Gov. George E. Pataki, Chief Judge Judith S. Kaye and Chief Administrative Judge Jonathan Lippman lead the groundbreaking ceremonies for the Judicial Institute

performance is key to these endeavors. The New York State treatment courts use a single uniform data base (known as the UTA) to collect data and manage cases. This UTA provides the means to study and evaluate each treatment court program.

Contributing to the success of the program has been the establishment of the New York State Drug Court Training Institute, the first in the nation to offer State-based training for drug courts. Developed in cooperation with the Drug Court Program Office of the Justice Department and the National Drug Court Institute, the first training program was held in August, with additional programs scheduled for 2002.

By the end of 2001, the OCDTP had established court drug treatment programs in 59 of the 62 counties in the State. There are now 49 drug courts in operation and another 87 engaged in the planning process. A report on the program's first year of operations is available at: www.courts.state.ny.us.

Jury Summit

In January, the court system and the National Center for State Courts hosted the nation's first Jury Summit. The purpose of the Summit, which was held in New York City, was to bring together jury system professionals from across the country to share innovative practices, discuss new ideas and set a course for future

improvements. The Summit drew an audience of 400 state and federal judges, court administrators, attorneys and academics from all over the country and included several chief justices and participants from as far away as Japan and South Korea.

The three-day Summit featured 26 sessions devoted to three major areas: jury system representatives, juror communication and innovative jury trial techniques. Individual panels focused on juror source lists, jury selection, increasing jury participation during trial, and jury instructions. In addition, participants addressed special jury issues in capital and mass tort cases, jury system automation and concerns related to persons with disabilities.

Jury Summit 2001 also highlighted the accomplishments of the jury initiative begun by Chief Judge Kaye in 1994. Since that time, two high-level jury committees: the Jury Project (1994) and the Grand Jury Project (1999) prepared reports that led to major reforms in the New York State Jury System. These reforms have included abolition of: exemptions, mandatory sequestration and the permanent qualified juror list. Other innovations include reduced terms and frequency of service, a more inclusive and up-to-date juror source list, increased juror fees, streamlined civil jury selection, new call-in systems for jurors, and automatic first-time postponements.

*Chief Judge
Judith S. Kaye
introducing
newscaster
Dan Rather,
a keynote speaker
at the Jury Summit*



Committee to Promote Public Trust and Confidence in the Legal System

The Committee to Promote Public Trust and Confidence in the Legal System was established in 1998 to identify and implement initiatives to enhance public trust and confidence in the State's legal system. The Committee's goals are to ensure that there is a fair and just system by which individuals who have contact with the legal system are treated with respect and equality, as well as to help bring about a greater respect for the legal system.

The focus of the Committee's work during the year has been education. Teaching tools about the court system for elementary through secondary grade students are available through the courts' web site. Training sessions were held in locations around the State to familiarize high school social studies teachers with law-related materials and teaching strategies for presentation in the classroom. Judges and attorneys participated in these training sessions, which reached almost 200 teachers.

To assist the Committee in its outreach efforts, a number of local Public Trust and Confidence Committees have been established throughout the State. These committees provide a forum for the interchange of ideas, information and observation among members of the community, users of the courts and members of the court system.

The Committee is also working to develop a centralized resource directory which will make available information about initiatives around the State aimed at improving communication and education about the courts.

Lawyer Assistance Trust

The Lawyer Assistance Trust was established this year to bring statewide resources and awareness to the prevention and treatment of alcohol and substance abuse among attorneys, judges, law students and law school faculty. The Trust was created pursuant to the recommendation of the Commission on Alcohol and Substance Abuse in the Profession. Chief Judge Kaye established the Commission in 1999 to help address the issue of substance abuse in the legal community and protect the

public trust from breaches by substance-dependent members of the legal profession. The Trust is governed by a board composed of judges, attorneys and health professionals and is being funded through the State attorney registration fee.

The Trust is working to support and invigorate existing and newly-created attorney assistance programs and committees, and develop standards and policies for the delivery of services statewide. It is also seeking to facilitate the development of outreach and educational programs, and provide financial grants to develop and support these programs. In addition, the Trust will seek to amend existing court policies and regulations related to: attorney discipline, to promote diversion to treatment and monitoring; admission to the bar, to promote screening for alcohol and substance abuse; attorney registration, to include educational materials; and the ethics and professionalism CLE requirements, to include alcohol and substance dependency information.

New York State Judicial Committee on Women in the Courts

The New York State Judicial Committee on Women in the Courts is an advocate for women litigants, attorneys and court employees. Composed of judges, court officials, bar association representatives and practicing attorneys, the Committee works with court administrators and outside institutions to assure equal justice, treatment and opportunity for all, regardless of gender.

The Committee plays a variety of advocacy roles within the court system. This year, for example, the Committee lent its voice to efforts to establish dedicated parts to enforce matrimonial judgments. It also encouraged and provided support to local gender bias and gender fairness committees' activities, including programs for Domestic Violence Awareness Month and Women's History Month.

During the year, the Committee marked its 15th anniversary with a conference entitled "The Miles Traveled and the Miles Left To Go." Touching on progress towards equality, but focusing on the work that remains, panels addressed responses to violence against

women and the enforcement of women's economic rights. The Committee also undertook a survey of perceptions about the treatment of women in New York courts.

As it has in the past, the Committee took an active role in a number of educational programs. Committee members made a presentation at the orientation for new judges, and organized a panel for the Judicial Seminars entitled, "Victim's Dilemma: To Proceed or Not to Proceed." As a co-sponsor with the Lawyers' Committee Against Domestic Violence and the Appellate Division, First Department, the Committee played a major role in organizing a two-day conference at Fordham Law School for attorneys who handle domestic violence cases and produced a notebook of materials for conference participants.

Franklin H. Williams Commission on Minorities

The Franklin H. Williams Judicial Commission on Minorities focuses its efforts on increasing diversity within the workforce, promoting respect and sensitivity among employees, and serving as a conduit for concerns of minorities within the court system.

The Commission works to achieve these goals through regular dialogue and frequent meetings with the Chief Judge and her immediate administrative staff, as well as with administrative judges throughout the twelve judicial districts, various bar associations and the fraternal organizations within the courts. It also works with the Buffalo Advisory Committee, which serves in an advisory capacity to the Commission to address specific concerns within the Eighth Judicial District.

In furtherance of its mission, the Commission conducts an extensive outreach program to increase awareness of the courts in local communities and focus attention on job opportunities in the courts. In this year's presentation at the court system's annual judicial seminars, the Commission addressed problems with existing drug laws, particularly as they affect communities of color, and focused on mandatory drug treatment as an effective alternative to incarceration.

The Commission also presented a series of awards to individuals who through a sense of service and commitment have made

outstanding contributions to the furtherance of social and ethnic justice, cooperation and harmony in the New York courts and the greater community.

Permanent Judicial Commission on Justice for Children

The Permanent Judicial Commission on Justice for Children works to address the problems of children in New York whose lives and life chances are affected by the courts. The Commission develops initiatives to improve the outcome of the court process for these youngsters, to assess and improve State court child protective proceedings and assist children and their families obtain vital services. The Commission's projects seek to highlight the connection among healthy development, preventative services and permanency.

Highlights of the Commission's activities this year included the opening of two new Children's Centers, one in Broome County Family Court and the other in Nassau County District Court, bringing the total number of Children's Centers to 30. Collectively, the Centers provided drop-in childcare for almost 50,000 children who accompanied their caregivers to court. New centers are planned in 2002 for Rockland County Family Court and the Suffolk County courthouse. A literacy program, launched by Chief Judge Kaye in 2000, continues to provide each child who visits a Center with a new book.

The Commission continued its work on implementing the federally-funded Court Improvement Project (CIP), with the goal of improving the procedure for processing child abuse and neglect cases in Family Court. As part of this Project, a series of training workshops focusing on the health and well-being of children in foster care was offered. Model court parts in Erie and New York Counties designed to expedite the court process and decrease the amount of time that children spend in foster care prior to adoption spawned similar special parts throughout New York City Family Court.

The Commission is also working with Bronx Family Court on a pilot program focusing on improving the quality of permanency decisions for infants in foster care.

A series of training sessions for court personnel, social workers and court-appointed guardians is being planned, and the Bronx Court is serving as the testing ground for the use of a new checklist of questions concerning health and development.

Among its initiatives to ensure the healthy development of children in foster care, the Commission co-authored an issue brief entitled, “Improving the Odds for the Healthy Development of Young Children in Foster Care,” which was published by the National Center for Children in Poverty. The publication, which has been distributed to all Family Court Judges and Social Services Departments in the State, highlights jurisdictions that use the oversight authority of the courts to ensure that children in foster care receive needed health, developmental, and mental health services as part of permanency planning.

Ethics Commission for the Unified Court System

In order to help preserve the integrity of governmental institutions, New York State requires that all public employees disclose potential areas of conflict of interest resulting from their private activities. Section 211(4) of the Judiciary Law requires all judges and justices, and officers and employees of the courts who receive annual compensation at or above a specified statutory filing rate, or hold policy-making positions, to file annual statements of financial disclosure setting forth detailed personal and financial information. In 2001, the filing rate was \$68,458.00, and approximately 4,300 employees were required to file financial disclosure statements.

Since 1990, the Ethics Commission for the Unified Court System has been responsible for administering the distribution, collection, review and maintenance of financial disclosure statements. The powers and duties of the Commission are set forth in 22 NYCRR Part 40 and the procedures promulgated by the Commission are found at 22 NYCRR Part 7400. In 2001, the Commission was composed of two judges, two law professors and one private practitioner.

Any employee who fails to timely file with the Commission is subject to disciplinary

action by the Chief Administrative Judge or, in the case of a judge, by the Commission on Judicial Conduct. The Commission reviews each statement filed and requires individuals to submit revised statements if any deficiencies are found. The information contained in the statements is available for public inspection, except for the categories of value and amount of financial interests reported, the names of unemancipated children and any information deleted by the Commission at the request of the filer.

Forms and information regarding the Commission are available online at www.courts.state.ny.us.

Special Inspector General for Fiduciary Appointments

The Special Inspector General for Fiduciary Appointments has statewide jurisdiction to monitor and enforce the rules concerning fiduciary appointments in the areas of guardianships, receiverships and guardian *ad litem* appointments. These rules cover eligibility for appointment and limit the number of compensated appointments permitted. In addition, the rules mandate the submission to court administrators of information related to appointments made and compensation received. The Special Inspector General also investigates complaints concerning fiduciary appointments, evaluates and makes recommendations to enhance and improve existing rules for appointing fiduciaries, and assists in providing training for those individuals in the fiduciary appointment process.

During the year, the Special Inspector General, in conjunction with the Office of Internal Audit, conducted an investigation to determine whether fiduciaries had filed the forms required by the rules (including notices of appointments and compensation received), the manner in which fiduciaries were selected for appointment, and how fiduciaries handled the cases to which they had been assigned. Based on the findings of this investigation, a new oversight system was implemented to ensure that fiduciaries appointed by the courts comply with the law. Special fiduciary clerks were appointed in each judicial district to serve as a clearinghouse for the forms which have to

be filed while also monitoring and verifying the information in the fiduciary database. In addition, when the investigation revealed clear violations of the fiduciary rules and ethical standards, referrals were made to the appropriate disciplinary authorities. A report reflecting these findings was issued on December 3rd.

At the same time as this investigation was going forward, the Commission on Fiduciary Appointments was carrying out its work. This Commission was created in 2000 to examine the existing rules and proceedings governing fiduciary appointments and make recommendations to improve them. The Commission issued its report on December

5th, setting forth its recommendations for changing the rules governing fiduciary appointments and their implementation. Among the recommendations are: mandatory training for inclusion on the fiduciary list, a procedure for removing fiduciaries from the list for good cause, the creation of specialized fiduciary lists, re-registration for those on the list, periodic audits of the fiduciary filing process, and the designation of an ombudsperson to provide information and field complaints concerning the fiduciary process. In 2002, these recommendations will be evaluated for implementation, as appropriate.

CHAPTER 4

Legislation and Rules Revision

Legislation

The Office of Counsel is the principal representative of the Unified Court System in the legislative process. In this role, it is responsible for developing the Judiciary's legislative program and for providing the legislative and executive branches with analyses and recommendations concerning legislative measures that may have an impact on the courts and their administrative operations. It also serves a liaison function with bar association committees, judicial associations and other groups, public and private, with respect to changes in court-related statutory law.

Counsel's Office staffs the Chief Administrative Judge's Advisory Committees on Civil Practice, Criminal Law and Procedure, Family Law, Surrogate's Court, and the Local Courts (including New York City Criminal Court, New York City Civil Court, the District Courts, City Courts outside New York City, and the Town and Village Courts). Annually, these committees formulate legislative proposals in their respective areas of concern and expertise for submission to the Chief Administrative Judge. These recommendations are based upon each Committee's own studies, an examination of decisional law and proposals received from the bench and bar. Each Committee's proposals, when approved by the Chief Administrative Judge, are transmitted to the Legislature, in bill form, for sponsors and legislative consideration.

During the legislative session, the Advisory Committees also analyze other legislative proposals. Recommendations are submitted

to the Chief Administrative Judge, who, through Counsel, communicates with the Legislature and the Executive on such matters in the form of legislative memoranda and letters to the Governor's Counsel. In addition, the Committees develop forms and provide assistance in related matters.

Counsel's Office also is responsible for drafting legislative measures to implement recommendations made by the Chief Judge in the State of the Judiciary message, as well as measures required by the Unified Court System, including budget requests, adjustments in judicial compensation and measures to implement collective bargaining agreements negotiated with court employee unions pursuant to the Taylor Law. In addition, Counsel's Office analyzes other legislative measures that have potential impact on the administrative operation of the courts and makes recommendations thereon to the Legislature and the Executive.

In the discharge of its legislation-related duties, Counsel's Office consults frequently with legislators, professional staff of legislative committees, and the Governor's Counsel for the purposes of generating support for the Judiciary's legislative program and providing technical assistance in the development of court-related proposals initiated by the executive and legislative branches.

During the 2001 legislative session, Counsel's Office, with the assistance of the Chief Administrative Judge's Advisory Committees, prepared and submitted 136 new measures for legislative consideration. Of these measures, 22 ultimately were enacted into law. Also during the 2001 session,

Counsel's Office furnished Counsel to the Governor with analyses and recommendations on 18 measures awaiting executive action.

WORK OF THE ADVISORY COMMITTEES

Advisory Committee on Criminal Law and Procedure

In 2001, the Legislature enacted into law versions of four bills proposed by the Advisory Committee on Criminal Law and Procedure:

- **CPL §720.35 of the CPL - Youthful Offender Adjudication; Effect Thereof; Records** - - was amended to provide that the otherwise confidential court records of a case resulting in a youthful offender adjudication be made available to the youth who is the subject of the proceeding, or to the youth's designated agent, without requiring a court order (L.2001, c.412).

- **A new Section 210.47 - Adjournment in Contemplation of Dismissal in Misdemeanor Cases in Superior Court** - - was added to the Criminal Procedure Law to authorize a superior court to adjourn an action in contemplation of dismissal where the sole

remaining count or counts of an indictment charge only a misdemeanor offense (L.2001, c. 487).

- **Section 215.22 - Providing a Juror with a Gratuity** - - was added to the Penal Law making such conduct a Class A misdemeanor offense (L.2001, c. 42).

- **Section 310.40 of the CPL - Verdict Sheet; Rendition Thereof** - - was amended to permit a trial judge to designate another juror to render and announce the verdict in a criminal trial where the foreperson is unable or refuses to do so (L.2001, c. 488).

Also in 2001, the Administrative Board of the Courts, in accordance with a recommendation of the Committee, approved an amendment to section 220.10 of the Uniform Rules for the Trial Courts eliminating the prohibition on note-taking by jurors during opening and closing statements and the court's charge.

The following are among the Committee's more significant legislative measures proposed in its December 2001 report:

(A) Revision of the Contempt Law

A joint proposal of the Chief Administrator's Advisory Committees on Criminal Law and Procedure, and Civil Practice, this measure



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on Criminal Law
and Procedure*

represents a substantial revision of the law governing contempt. The measure repeals Article 19 of the Judiciary Law in its entirety, replacing the largely outdated and often confusing language of that Article with more modern terminology, and eliminating provisions that are duplicative or have outlived their usefulness. At the same time, the measure retains, albeit in a more comprehensible form, virtually all of the concepts traditionally associated with a court's exercise of the contempt power, including "summary" contempt, the authority to impose fines and/or jail as sanctions for contemptuous conduct, and the authority to apply these sanctions either as a punishment for such conduct, or as a remedy where the conduct interferes with or otherwise prejudices the rights or remedies of a party to an action or proceeding.

(B) *Intimidating a Victim or Witness in the Fourth Degree*

This measure would amend Article 215 of the Penal Law (Bribing a Witness) to close a statutory gap, identified in *People v. Hasan* (185 Misc.2d 301), in the ability to prosecute certain conduct intended to dissuade persons with knowledge of criminal activity from coming forward with such information. Specifically, the measure would create the new class A misdemeanor offense of Intimidating a Victim or Witness in the Fourth Degree (Penal Law §215.18), to permit the prosecution of persons whose "intimidating" conduct, though offensive, does not rise to the level of causing physical injury or property damage to the victim or witness.

(C) *Dismissal of a Felony Complaint*

Although the Criminal Procedure Law currently requires the People to be ready for trial within six months of the commencement of a felony action, it fails to provide a procedural mechanism for dismissing a felony complaint where a defendant is held for the action of the Grand Jury on the complaint and the six-month "speedy trial" period expires before any Grand Jury action is taken. This measure would remedy this gap in the law by creating, within a new CPL §180.85, a procedural mechanism for dismissing a felony complaint where there has been no timely Grand Jury action.

(D) *Reduction of Peremptory Challenges*

Prompted by the findings and recommendation of the Chief Judge's Jury Project, this measure would amend CPL §270.25 (Trial Jury; Peremptory Challenges of an Individual Juror) to reduce the number of peremptory challenges allotted to a single defendant from 20 to 15 for regular jurors, if the highest crime charged is a Class A felony; from 15 to 10 for regular jurors if the highest crime charged is a class B or C felony; and from 10 to 7 for regular jurors in all other superior court cases. In addition, the number of peremptory challenges allotted for alternate jurors in all superior court cases would be reduced from two to one. In "extraordinary" circumstances, the court could increase the number of peremptory challenges allotted. And, when two or more defendants are tried together, the number of peremptory challenges allotted to the defendants would be increased by a number equaling one less than the number of the defendants being tried.

Advisory Committee on Civil Practice

During the 2001 legislative session, the following three measures proposed by the Advisory Committee on Civil Practice were enacted into law:

- **A new Section 4532-a of the CPLR - Admissibility of Medical Diagnostic Tests in Personal Injury Actions** - - which section addresses ongoing technological developments that affect the admissibility of medical diagnosis tests in personal injury cases (L.2001, c.392).

- **Section 2301 of the CPLR - Scope of Subpoena** - - was amended to insure that a copy of a trial subpoena *duces tecum* accompanies the production of subpoenaed documents (L.2001, c.355); and

- **Section 7502 of the CPLR - Applications to the Court; Venue; Statutes of Limitations; Provisional Remedies** - - which revives the time for moving for an application to confirm or deny an arbitration award in instances in which the relief had previously been timely applied for, but was denied solely on the



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Advisory Committee
on Civil Practice*

ground of having utilized the wrong form of proceeding (L. 2001, c.567).

The following are among the Committee's more significant legislative measures proposed in calendar year 2001 for the 2002 legislative session:

(A) Conduct of Depositions

This measure would amend Rules 3113 (Conduct of the Examination) and 3115 (Objections to Qualifications of Person taking Deposition) of the CPLR to impose sufficient safeguards against a variety of abusive practices that may be engaged in by parties attempting to obstruct the truth-finding process during depositions.

(B) Enactment of a Comprehensive Court-Annexed Alternative Dispute Resolution Program

This measure would expand the use of alternative dispute resolution ("ADR") in New York State courts. It would provide immunity and legal representation for those who serve as mediators and other neutrals in court-annexed ADR programs (Judiciary Law §39-a, and Public Officers Law §17(1) (Defense and Indemnification of State Officers and Employees.) It would also

provide for confidentiality of all court-annexed mediation and evaluations.

(C) Establishing a Time Frame for Expert Witness Disclosure

This measure would amend CPLR 3101(d)(1) (Scope of Disclosure) to provide a minimal deadline for expert disclosure (i.e., 60 days before trial) - - a time frame that could be expanded to give earlier expert disclosure in certain commercial cases (see below), or as the need arises in other cases, if directed by the court.

(D) Expanding Expert Disclosure in Commercial Cases

This measure would amend CPLR 3101(d)(1) (Scope of Disclosure) to make possible more extensive expert discovery, particularly the taking of depositions under certain circumstances in commercial cases. A "commercial action" is defined so as to include the most common forms of such disputes, although it excludes personal injury, wrongful death, matrimonial and certain other matters.

Under the proposal, if the court determined that a deposition was in order, it could set reasonable boundaries on the breadth of the

matters to be inquired into and the length of the deposition. The proposal would provide that the court, unless unreasonable, require that, in cases of deposition disclosure, the inquiring party pay a reasonable fee to the expert.

(E) Revision of the Contempt Provisions of the Judiciary Law

This measure, which would substantially revise the law governing contempt, is being jointly proposed with the Advisory Committee on Criminal Practice, and is summarized above.

Family Court Advisory and Rules Committee

During the 2001 legislation session, the Family Court Advisory and Rules Committee saw enactment of two significant legislative proposals that represent milestones in the areas of child custody and domestic violence:

- *Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)*: This measure was adapted by the Committee from the Uniform Act promulgated by the National Conference of Commissioners on Uniform State Laws in 1997 to replace its earlier *Uniform Child*

Custody Jurisdiction Act. The UCCJEA is similar to the recently-enacted *Uniform Interstate Family Support Act (UIFSA)* in giving courts a clear means of measuring the controlling jurisdiction in order to avoid multiple conflicting judgments, in making two-state proceedings easier, and in enforcing custody orders expeditiously, although penalties are left up to the enforcing states. Significantly, it contains several provisions specifically intended to protect victims of domestic violence and harmonize interstate custody proceedings with the “full faith and credit” mandates of the federal *Violence Against Women Act* [18 U.S.C. §§2265, 2266] and the *Parental Kidnapping Prevention Act* [28 U.S.C. §1738A] (L. 2001, c. 386).

- **Address Confidentiality in Cases Involving Domestic Violence**: Aimed at ensuring that the court process itself does not pose a danger to victims of domestic violence, this comprehensive measure increases “address confidentiality” in Family and Supreme Court matrimonial proceedings. The measure permits a litigant to request address confidentiality -- protection from disclosure of addresses in pleadings and other documents and designation of the clerk of court or other agent for service of process -- on the grounds



Members of the Family Court Advisory and Rules Committee

that an unreasonable risk has been posed to his or her health or safety. It requires the litigant's address to be safeguarded pending a decision on the confidentiality request, and adds a continuing obligation for the protected party to keep the clerk of court (or other designated agent for service of process) informed of any changes in the address so that process and other documents may be forwarded. (L. 2001, c.236).

In addition to its legislative work, this year, the Family Court Advisory and Rules Committee completed a comprehensive revision of the Uniform Rules of the Family Court, as well as the revision of over 100 official forms.

Of the legislative proposals submitted in December, 2001 by the Committee, the following are highlighted as priorities:

(A) Dispositional and Detention Alternatives in Persons in Need of Supervision (PINS) Cases

Consistent with the recent enactment of limitations on the use of detention and placement in persons in need of supervision (PINS) cases, this measure would require the Family Court to consider alternatives to detention, including conditional release and intensive probation supervision, prior to imposition of pre-dispositional detention, and require the Court to order the "least restrictive available alternative" as its disposition. Drawing upon existing juvenile delinquency provisions, the proposal would also establish a judicial allocation procedure for accepting admissions in PINS cases and delineate the procedures for violations of suspended judgment and probation.

(B) Juvenile Delinquency: Intensive Probation Supervision and Electronic Monitoring

This measure would require the Family Court, when determining whether an accused juvenile delinquent should be detained prior to disposition, to consider whether appropriate alternatives to detention are available. Where the Court determines that grounds for detention exist under current statutory standards, the Court would have the discretion to instead release a juvenile on condition of cooperation with a program of

electronic monitoring to be administered by a local probation department. Further, as part of the menu of graduated sanctions available for disposition, the proposal would authorize orders both for intensive probation supervision and electronic monitoring.

(C) Electronic Monitoring in Child Support Violation and Family Offense Proceedings

In order to enhance the pre-dispositional and dispositional options available to Family Court in family offense and child support cases, this proposal would authorize the Court, where a respondent in a family offense or child support violation matter is returned on a warrant, to set reasonable conditions of bail or parole, which may include electronic monitoring, where necessary to ensure respondent's appearance in court. The measure would also permit the Court to require a respondent, found to have committed a family offense or a violation of a family offense or child support order and who would otherwise be incarcerated, to comply with a program of electronic monitoring and/or to follow a schedule regulating their daily movements as a condition of probation.

(D) Educational and Early Intervention Services for Children in Foster Care

In order to mitigate the substantial risk of significant educational impairments facing children in foster care, this measure would help to ensure that critical pre-school, early intervention, special education, education and vocational services are provided to all children whose permanency planning is being monitored by the Family Court. The measure would require child protective agencies to include information in permanency plans submitted pursuant to the *Adoption and Safe Families Act* regarding steps taken and planned, to ensure the prompt enrollment of foster children in pre-school and school programs and, in cases of children under five suspected of having a disability or developmental delay, evaluation for "early intervention program" services. Similar to the juvenile delinquency pre-release provisions of Laws of 2000, c. 145, it would require submission of pre-release reports in persons in need of supervision (PINS) cases delineating steps for the prompt enrollment of PINS in

school or vocational programs upon their release from placement. It would also require the New York State Education Department to promulgate regulations requiring school districts to cooperate with agencies' education efforts.

(E) Representation of Parents at Child Welfare Reviews

Consistent with the aim of the *Adoption and Safe Families Act* to achieve permanent homes for children quickly, this measure would facilitate continued access to counsel by parents in critical post-dispositional phases of child protective and foster care proceedings. The proposal would provide that upon request, the Family Court could continue the appointment of the parent's attorney for the purposes of interim reviews and conferences or, if necessary, appoint new counsel. The measure would also permit the discretionary appointment of counsel for parents in juvenile delinquency and PINS permanency hearings where a parent contests the permanency plan and/or placement of the child.

Surrogate's Court Advisory Committee

During the 2001 legislative session, the following two measures that the Surrogate's Court Advisory Committee had proposed were adopted:

- **Section 1411(3) of the Surrogate's Court Procedure Act (SCPA) - Citation Upon Filing of Objections** - - was amended to provide that a citation in a contested probate proceeding shall not be served on a person who, although named or referred to in the propounded instrument, does not have any interest that could be affected by the outcome of the proceeding (L.2001, c.393).

- **Section 1813(1) of the SCPA - Disputed or Unsettled Debt or Claim May Be Compromised, Compounded or Sold** - - was amended to permit an application to the court by any interested person (other than a claimant), or fiduciary, for court approval or authorization to enter into a compromise of a debt or claim (L.2001, c.234).

The following measures are among the Committee's more significant legislative measures proposed in calendar year 2001 for the 2002 legislative session:

(A) Nominated Fiduciary's Standing to File Objections

This measure would amend section 709 of the SCPA (Objection to Grant of Letters or Appointment of Lifetime Trustee) to give a nominated co-fiduciary standing to object to the granting of letters to another fiduciary or to the appointment of a lifetime trustee. This would make the statute consistent with section 711, which allows a co-fiduciary, once



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Advisory Committee*

appointed, to commence a removal proceeding.

(B) Disqualification of a Surviving Spouse

This measure would amend section 5-1.2 of the Estates, Power and Trusts Law (EPTL) (Disqualification as Surviving Spouse) to add a new subdivision that would disqualify a person as a surviving spouse where the survivor and decedent had continuously lived apart for at least one year prior to decedent's death and the time they lived apart exceeded the time they lived together, unless (1) because of illness or injury, one of them had to live in a health care facility, or (2) the survivor was receiving, or paying support pursuant to court order or agreement, or (3) decedent's abuse of the survivor or other family member was the reason the survivor stopped cohabiting. This would preclude "laughing" surviving spouses, i.e., those who for a prolonged period prior to the decedent's death were married to the decedent in name only, from being unjustly enriched by the right to take an intestate or elective share.

(C) Standby Guardians

This measure would amend section 1726 of the SCPA (Standby Guardians) to add a savings provision, comparable to will savings statutes, that provides that a standby guardian designation will be effective, even if made in another state, so long as it was validly executed in the jurisdiction where the parent or guardian was domiciled at the time of execution, or where it was executed, or where the parent or guardian is domiciled at the time it becomes effective. The measure would also provide that, in the case of conflicting designations, the most recent one would be given effect. In addition, various redundancies and inconsistencies in the present statute would be eliminated or clarified.

(D) Authorizing a Trust Grantor To Permit Trustees to Make Discretionary Distributions to Themselves as Beneficiaries

Introduced last year, but now modified by the Committee to incorporate changes suggested by members of the bar, this measure would amend section 10-10.1 of the EPTL- to allow the grantor of a trust, by express provision in the trust instrument, to provide that a trustee

may make discretionary distributions, of income or principal, to the trustee as a beneficiary. The proposal would permit the exercise of such power if the trust instrument so provides, or if the power is one to provide for the beneficiary's health, education, maintenance or support within the meaning of sections 2041 and 2514 of the Internal Revenue Code, or any other ascertainable standard.

(E) Reimbursement of Attorney's Expenses

This measure would amend section 2110 of the SCPA (Compensation of Attorneys) to permit reimbursement of certain expenses to attorneys in addition to compensation for legal services. The measure would authorize the court, in fixing compensation, to consider reimbursement of reasonable expenses necessarily and appropriately incurred (such as photocopying, postage, and courier service), provided they are not considered in determining hourly billing rates, but are allocated directly to the individual client at actual cost and without profit to the attorney.

Local Courts Advisory Committee

During the 2001 Legislative Session, the following measure which had been introduced by the Local Courts Advisory Committee was enacted into law:

- **Section 65-c of the Alcoholic Beverage Control Law** - - was amended to correct an obsolete cross-reference to a section of the Mental Hygiene Law and insures that courts continue to have the option of requiring those who violate the underage alcohol possession law to attend an alcohol awareness program (L. 2001, c. 137).

The following are the Committee's more significant legislative measures proposed in its December 2001 report:

(A) Increasing Jurisdictional Limits in the District Courts, City Courts outside of New York City, and Justice Courts

This measure would amend pertinent sections of the Uniform Court Acts to increase jurisdictional limits in the small claims and



Members of the
Local Courts
Advisory Committee

commercial claims parts of the District Courts and upstate City Courts from \$3,000 to \$5,000. These limits were last increased over seven years ago, and the \$3,000 limit is no longer adequate to cover many basic claims. The measure would also amend the Uniform Justice Court Act to increase the jurisdiction of the regular parts in these courts, as well as the jurisdiction of the small claims parts, from \$3,000 to \$5,000. The jurisdictional limit of the regular parts of these courts has not been changed since 1977, and the jurisdictional limit of the small claims parts has not increased since 1994. The existing limits are now not adequate to cover many of the basic claims that arise in these courts.

(B) Permitting Corporate Counterclaims in Small Claims Court

This measure would amend the Uniform Court Acts to clarify the uncertainty as to whether a corporate defendant may bring a counterclaim in a small claims action. The statutes prohibit corporations from bringing claims in a small claims court, but permit a corporation to appear as a defendant there. As a result, some courts permit a corporate defendant to counterclaim in a small claims action, but other courts prohibit such a

counterclaim. The only appellate case to address this issue indicates that a corporate counterclaim should be permitted in a small claims action if the counterclaim falls within the small claims court's monetary jurisdiction, is "related to the main claim," and is "not overly complex" (*Marino v N.A.S. Plumbing*, 175 Misc2d 519 [Appellate Term, 2nd Dept 1997]). The proposal would codify the *Marino* concepts to insure consistency among the small claims courts.

(C) Providing Local Criminal Courts with the Ability to Enforce Sentencing for the Unlawful Possession of an Alcoholic Beverage by a Minor

This measure would amend section 65-c of the Alcoholic Beverage Control Law to provide courts with a mechanism to insure that the conditions of sentence are met for the offense of unlawful possession of an alcoholic beverage by a minor. The proposal grants to the courts the power to enter a default judgment, upon notice and an opportunity to be heard, against a person who is convicted of unlawful possession and fails to pay a fine, complete an alcohol awareness program, or complete community service within the amount of time established by the court to do

so. Without this authority, the courts are powerless to insure that the conditions of sentence are met. The proposal also provides that the clerk of the court that had jurisdiction over the conviction would file the default judgment with the county clerk. The fee for entering the transcript by the County Clerk would not be collected until the default judgment is collected.

(D) Using Credit Cards to Pay Fines, Crime Victim Assistance Fees and Mandatory Surcharges

This measure would amend section 420.05 of the Criminal Procedure Law (Payment of Fines by Credit Cards) to clarify that criminal courts may accept credit cards and other similar devices as payment for fines, crime victim assistance fees and mandatory surcharges. Under current law, a criminal court can accept payment of fines and bail by credit card or similar device only when the offense involved is a traffic infraction. The use of credit cards in criminal courts is particularly appropriate, as these courts collect large sums of money, and credit cards would improve the rate of collection of these fines and fees and promote a more efficient use of court resources.

(E) Filing Fees for Commencing Commercial Claims

This measure would amend pertinent sections of the Uniform Court Acts that address the filing fees in the commercial claims courts. The changes would render filing fees with respect to commercial claims consistent with the filing fee provisions for regular small claims by creating a two-tiered filing fee based on the amount of the claim and by eliminating the requirement that a claimant pay the costs of mailings when commencing a commercial claim.

Measures Enacted into Law in 2001

Chapters 20 (Senate bill 3995/Assembly bill 8316), **23** (Senate bill 5103/Assembly bill 8492), **34** (Senate bill 5361/Assembly bill 8880) and **47** (Senate bill 5394/Assembly bill 8937). Amend chapter 83 of the Laws of 1995 to extend existing authority of trial judges to permit separation of deliberating juries in criminal cases until April 22, 2001, May 20, 2001, June 17, 2001, respectively; and then permanently to confer authority on such judges to permit separation of deliberating juries in criminal cases, without regard to the crimes charged therein. Eff. 3/30/01, 4/19/01, 5/23/01, and 5/30/01, respectively.

Chapter 42 (Assembly bill 5305). Amends the Penal Law to add a new section 215.22 to establish the class A misdemeanor offense of Providing a Juror with a Gratuity. Eff. 11/1/01.

Chapter 137 (Assembly bill 7804). Amends section 65-c of the Alcoholic Beverage Control Law to correct an inaccurate statutory cross reference. Eff. 8/6/01.

Chapter 205 (Assembly bill 7925). Amends section 10(8) of the Court of Claims Act to ensure that a timely and properly served notice of intention may be treated as a claim; and amends sections 10(6) and 10(8) of the Act, to clarify that applications arising thereunder are to be brought upon motion. Eff. 7/1/01 [retroactively].

Chapter 234 (Assembly bill 7345). Amends section 1803(1) of the Surrogate's Court Procedure Act (SCPA) to permit an application to the court by an interested person (other than a claimant), as well as a fiduciary, for court approval or authorization to enter into a compromise of a debt or claim. Eff. 9/4/01.

Chapter 236 (Assembly bill 7751-A). Amends the Family Court Act (FCA) and the Domestic Relations Law (DRL) to provide greater confidentiality for alleged victims of domestic violence. Eff. 9/4/01.

Chapter 315 (Senate bill 3337). Amends the Criminal Procedure Law (CPL) to extend the life of the CPL's electronic arraignment statute (Art. 182) through December 31, 2004; and to add Ontario County to the list of counties where electronic arraignment may be authorized. Eff. 9/19/01.

Chapter 324 (Senate bill 4325). Amends the New York City Civil Court Act (NYCCCA) to provide a pay increase for Housing Court Judges of the New York City Civil Court. Eff. 9/19/01.

Chapter 340 (Senate bill 5464-A). Amends section 212(2) of the Judiciary Law to authorize the Chief Administrative Judge to permit Referees and Judicial Hearing Officers to hear and determine *ex parte* applications for temporary and final orders of protection after 5:00 PM. Eff. 9/1/01.

Chapter 355 (Assembly bill 8723-A). Amends CPLR 2301 to require that a trial subpoena *duces tecum* state on its face that all papers or other items delivered to the court pursuant thereto must be accompanied by a copy of that subpoena. Eff. 1/1/02.

Chapter 386 (Assembly bill 4203). Amends the Domestic Relations Law to adopt, for New York State, the Uniform Child Custody Jurisdiction and Enforcement. Act Eff. 4/29/02.

Chapter 392 (Assembly bill 7344-B). Amends CPLR 4532-a, governing the admissibility of a range of medical diagnostic tests such as magnetic resonance imaging and positron emission tomographs, to broaden the terms used for such tests so as to foreclose the need to amend this provision each time a new test is developed. Eff. 1/1/02.

Chapter 393 (Assembly bill 8357). Amends section 1411(3) of the SCPA to provide that a citation in a contested probate proceeding shall not be served on a person who, although named or referred to in the propounded instrument

(and who had not appeared), does not have any interest that could be affected by the outcome of the proceeding. Eff. 10/31/01.

Chapter 412 (Senate bill 2830-A). Amends section 720.35 of the CPL to provide that the otherwise confidential court records of a case resulting in a youthful offender adjudication be made available to the youth who is the subject of the proceeding, or to his or her designated agent, without the requirement of a court order. Eff. 11/1/01.

Chapter 487 (Senate bill 2829). Amends the CPL by adding a new section 210.47 to authorize a superior court to adjourn an action in contemplation of dismissal where the sole remaining count or counts of an indictment charge only a misdemeanor offense. Eff. 11/1/02.

Chapter 488 (Senate bill 2832). Amends section 310.40 of the CPL to permit a trial judge to designate another juror to render and announce the verdict in a criminal trial where the foreperson is unable or refuses to do so. Eff. 11/21/01.

Chapter 489 (Senate bill 3183-A). Amends sections 1903 and 1911 of the Uniform Justice Court Act to exempt towns and villages and their officers or agencies from having to pay statutory fees for the commencement of an action in their town or village courts. Eff. 1/1/03.

Chapter 567 (Senate bill 4341). Amends CPLR 7502(a) to revive the time for making an application to confirm or contest an arbitration award in instances in which the relief had previously been timely applied for but was denied solely on the ground that it was sought in the wrong forum — *i.e.*, by motion instead of special proceeding. Eff. 12/19/01.

Chapter 584 (Senate bill 3959-B). Amends provisions of the Judiciary Law, the Public Officers Law and the Uniform City Court Act (UCCA) to implement recommendations of the Deputy Chief Administrative Judge's *Ad Hoc* Committee on City Courts outside New York City, establishing new judgeships in the

cities of Buffalo, Rochester, Syracuse, Schenectady, Albany and New Rochelle, converting several part-time City Court judgeships to full-time status, and upgrading the part-time status of still other part-time judgeships. Eff. 12/28/01.

Measures Introduced in the 2001 Legislative Session and Not Enacted Into Law

Senate 5484/Assembly 9023. This measure would amend sections 756, 756-a, 1055 and 1055-a of the FCA, section 392 of the Social Services Law and section 112 of the Education Law in relation to the provisions of educational services to children in foster care. It would require the agency responsible for the child to engage in constructive planning for the child's release from foster care; provide that where an extension of placement is being sought, a report would be required 30 days prior to the conclusion of the placement period; and provide that a release plan would be required to delineate the steps that the agency has taken or will be taking to ensure that the juvenile would be enrolled in school promptly after release.

Senate 5129-A/Assembly 8772-A. This measure would amend sections 446, 551, 656 and 846-a of the FCA and sections 240 and 252 of the DRL to clarify that the violation procedures and consequences contained under Article 8 of the FCA apply to all orders of protection and temporary orders of protection issued in family offense, child support, paternity, child custody, visitation, divorce and other matrimonial proceedings; to authorize Family Court to impose such sanctions upon the willful violation of an order and to modify or issue new orders; to clarify the DRL in accordance with the State Constitution and facilitate effective responses to domestic violence incidents that occur in the context of matrimonial proceedings by conferring authority upon Supreme Court to apply the provisions of Article 8 of the FCA in such proceedings.

Senate 3428. This measure would amend section 384-b of the Social Services Law and amend section 631 and add section 635 to the FCA to provide for dispositions committing the guardianship and custody of a child to a foster parent, relative or other suitable person.

Senate 3429. This measure would amend sections 353.3, 355.5, 756 and 756-a of the FCA to conform the dispositional and permanency hearing provisions of Articles 3 and 7 to those of Article 10 of such Act.

Senate 3430-A/Assembly 9026-A. This measure would add a new section 743 to the FCA, amend sections 739, 754, 757, 776, 779 and 779-a of such Act and amend section 243 of the Executive Law to require consideration of alternatives to detention and release of the respondent juvenile upon appropriate terms and conditions in PINS proceedings; provide that the disposition in such proceedings shall be the least restrictive available alternative, including intensive supervision; establish procedures for accepting admissions in PINS proceedings; and establish procedures for violations of orders of suspended judgment and probation.

Senate 5131-C/Assembly 11197-A. This measure would amend various provisions of the FCA, the DRL, the Social Services Law and the Lien Law to require health care provisions in all Supreme Court and Family Court child support orders.

Senate 5144/Assembly 7752. This measure would amend sections 262 and 1055 of the FCA and sections 358-a, 384-b and 392 of the Social Services Law to provide for assigned counsel at the request of indigent respondents in Family Court post-hearing case conferences.

Senate 5508/Assembly 11502. This measure would amend sections 2302, 2304 and 2307 of the CPLR, sections 153, 439 and 454 of the FCA and sections 111-b and 111-p of the Social Services Law to clarify that hearing examiners be authorized to determine motions to quash child support subpoenas and to make hearing examiners' willfulness findings non-final orders that would not be subject to the 30-day objection process.

Senate 2833/Assembly 8724. This measure would amend section 690.35(3) of the CPL to require that an application for a search warrant disclose all prior denials of the same or a similar application, as well as any failure to issue a search warrant based on the same or a similar application, by a different judge, if known to the applicant.

Senate 3439. This measure would amend section 30.10 of the CPL to provide that, in calculating the statute of limitations period for commencement of a prosecution for bail jumping arising from the defendant's alleged failure to appear in connection with a felony charge, any period following the commission of the offense where the defendant's whereabouts are "continuously unknown" shall not be included, regardless of whether the defendant's whereabouts might have been ascertained by the exercise of "reasonable diligence."

Senate 2834/Assembly 11195. This measure would amend section 250.10(2) of the CPL to require that the notice filed by a defendant under that section specify the type of psychiatric defense or affirmative defense upon which the defendant intends to rely at trial, as well as the nature of the alleged psychiatric malady that forms the basis of such defense or affirmative defense and its relationship to the proffered defense.

Senate 2835/Assembly 8529. This measure would amend section 450.90(1) of the CPL to authorize an appeal to the Court of Appeals from an order granting or denying a motion to set aside an order of an intermediate appellate court on the ground of ineffective assistance or wrongful deprivation of appellate counsel.

Senate 2935/Assembly 7753. This measure would amend section 521(a) of the Judiciary Law and section 1306 of the Uniform Justice Court Act (UJCA) to provide for a State takeover of the payment of jurors in the Justice Courts.

Section 3530/Assembly 8530. This measure would add a new section 4549 to the CPLR to adopt a learned treatise rule — an evidentiary rule followed in the Federal courts — in New York, which allows into evidence published, authoritative literature.

Senate 3482. This measure would amend section 3215 of the CPLR, governing default judgments, to clarify the options available to a plaintiff when, in a case involving multiple defendants, one party defaults and one or more answers.

Senate 3483. This measure would amend section 3101(d) of the CPLR to enable more extensive expert discovery under certain circumstances in a limited class of cases.

Senate 3486/Assembly 9151. This measure would repeal rule 3211(e) of the CPLR to require leave to replead; and to permit the party seeking dismissal of a claim or defense to elect whether to attack the pleading on the law or immediately to seek a substantive victory on a claim that the pleader has no viable cause of action.

Senate 3487. This measure would amend sections 7804 and 307 of the CPLR to permit a respondent to demand that the petitioner serve the papers on which it will rely before the respondent answers or moves; and to clarify that service upon the Attorney General is required in all instances in order to commence a proceeding against a state officer, sued officially, or a state agency.

Senate 4596. This measure would add a new section 4502(a) to the CPLR and amend section 1046 of the FCA to create a statutory parent-child privilege in civil, criminal and family court cases, except for child abuse and neglect.

Senate 3531. This measure would amend section 60.35(6) of the Penal Law to clarify its provisions exempting defendants who have paid restitution or made reparations from having to pay a mandatory surcharge and a crime victim assistance fee.

Senate 3504/Assembly 9066. This measure would amend section 1806-a of the Vehicle and Traffic Law to authorize a court to use regular first class mail to notify a defendant who fails to answer a notice of appearance, a summons or some other notice of violation charging the defendant with a traffic infraction involving parking, stopping or standing.

Senate 2968/Assembly 8773. This measure would amend section 420.05 of the CPL to clarify that criminal courts may accept credit cards and other similar devices as payment for fines, crime victim assistance fees and mandatory surcharges; and make a conforming amendment to section 212(2)(j) of the Judiciary Law, which empowers the Chief Administrative Judge to establish a system for the payment of certain court-related obligations by credit card.

Senate 3511. This measure would add a new section 180.25 to the CPL to allow a superior court to remove a felony action from a local criminal court to expedite a defendant's plea to the felony charge.

Senate 4148. This measure would amend section 530.20 of the CPL to authorize a local criminal court to set bail for a defendant charged with certain class E felonies without first consulting with the District Attorney.

Senate 6395/Assembly 7297. This measure would amend section 401(c) of the NYCCA, relating to the filing of a petition with the clerk at the time a notice of petition is issued, to provide that it is the "original petition" (and not the "ribbon copy") that is to be filed.

Assembly 7910. This measure would amend section 1811-A of the NYCCA, the Uniform District Court Act (UDCA) and the Uniform City Court Act (UCCA) to require courts to send a notice of judgment to the judgment creditor and to the judgment debtor in commercial claims actions; and amend sections 188(b)(1) and 1812(a) of the Uniform Court Acts to eliminate language indicating that a judgment debtor has 30 days to pay a small claims judgment.

Senate 3510/Assembly 8383. This measure would amend section 170.56 of the CPL to require a criminal court to release a defendant charged with certain offenses involving marijuana on their own recognizance upon ordering a case adjourned in contemplation of dismissal.

Senate 7223/Assembly 8336. This measure would amend section 1808 of the NYCCA and of the other Uniform Court Acts, and section

1808-A of the NYCCA, the UDCA and the UCCA to clarify the collateral effect of small claims and commercial claims judgments.

Senate 2937-A/Assembly 10660. This measure would amend section 10-10.1 of the EPTL to permit the grantor of a trust, by express provision in the trust instrument, to provide that a trustee may make discretionary distributions, of income or principal, to herself or himself as a beneficiary.

Senate 3431. This measure would amend section 73 of the DRL to recognize the legitimacy for all purposes of children born to married couples by means of *in vitro* fertilization or any other assisted reproduction.

Senate 2938/Assembly 10737. This measure would amend section 2110 of the SCPA to permit reimbursement of certain expenses to attorneys in addition to compensation for legal services.

Senate 5513-A/Assembly 8794-A. This measure would amend section 2-1.11(c) of the EPTL and section 5-1502G(3) of the General Obligations Law to allow a renunciation of property on behalf of a person under a disability to be made by a guardian or by an attorney-in-fact pursuant to a duly executed power of attorney.

Senate 4395/Assembly 8774. This measure would amend section 117 of the DRL and section 2-1.3(a)(1) of the EPTL to make clear that an adoptive child is not to be penalized by losing either inheritance rights from the child's natural parents under EPTL 4-1.1, or the right to receive a lifetime or testamentary disposition from their natural family as a member of a class under EPTL 2-1.3 where the adoptive child maintains a relationship with their natural family after the entry of the adoption order as a result of the child continuing to reside with the natural parent, as is the case in step-parent adoptions.

Senate 2939/Assembly 9859. This measure would add a new section 4-1.7 to the EPTL to disqualify a person who holds property as a tenant by the entirety with a spouse from receiving any share in such property or monies derived therefrom when convicted of murder

in the first or second degree, or manslaughter in the first or second degree, of that spouse.

Senate 2831/Assembly 8396. This measure would amend section 120.20 of the CPL to preclude a criminal court from issuing a warrant of arrest based on any simplified information.

Senate 2934/Assembly 7298. This measure would amend section 1803-A of the NYCCA, the UCCA, and the UDCS to harmonize with the filing fee provisions for regular small claims by creating a two-tiered filing fee based on the amount of the claim and by eliminating the requirement that a claimant pay the cost of mailings when commencing a commercial claim.

Senate 3503/Assembly 9067. This measure would amend section 1806-a of the Vehicle and Traffic Law to authorize grounds for vacatur of a default judgment entered against a person charged with a traffic infraction.

Senate 3509/Assembly 8401. This measure would amend section 440.10 of the CPL to authorize a court to entertain an application to vacate a plea of guilty and sentence imposed when a corporate defendant fails to appear; and to provide that no defendant making a motion to vacate a guilty plea and sentence is required to establish a meritorious defense to the criminal charge in order to prevail on the motion.

Senate 3508/Assembly 8722. This measure would amend sections 100.20 and 100.25 of the CPL to entitle a defendant charged by simplified information with a misdemeanor to a supporting deposition that contains non-hearsay allegations which establish, if true, every element of the offense charged and the defendant's commission thereof.

Senate 3507/Assembly 8399. This measure would amend sections 10.20, 10.30, 195.30, 195.40 and 200.15 of the CPL to authorize the filing of a superior court information in the New York City Criminal Court, a District Court and a City Court and permit those courts to accept a plea thereto.

Senate 3432. This measure would amend section 720.35 of the CPL to authorize a

criminal court to release official records and papers relating to a case involving a youth who has been adjudicated a youthful offender to the person who was so adjudicated or to such person's designated agent when needed to facilitate enlistment in military service.

Senate 3506/Assembly 8400. This measure would amend section 300.52(2) of the CPL to provide that a request to submit a lesser-included offense to the jury be made prior to the offering of summations.

Senate 3505/Assembly 8407. This measure would add a new section 60.41 to the CPL to provide a trial court with discretion, in certain circumstances, to permit the admission of evidence of a person's violent conduct.

Senate 3440. This measure would amend section 60.43 of the CPL to provide that the same protections against the admissibility of evidence of a victim's sexual conduct in a non-sex offense criminal case apply also to a witness in such a case.

Senate 3488/Assembly 8386. This measure would amend section 410.91 of the CPL to eliminate the requirement that the prosecution consent before a court may sentence a defendant to parole supervision.

Senate 3489/Assembly 11194. This measure would amend section 310.20(2) of the CPL to provide that whenever a court submits two or more counts charging offenses set forth in the same article of the law, it may include on the verdict sheet relevant information to assist the jury in distinguishing among the counts.

Assembly 8720. This measure would amend section 240.20(1)(f) of the CPL to provide that any property seized pursuant to the execution of a search warrant relating to the criminal action or proceeding, and the inventory or return of such property, shall be discoverable by the defendant; and would add a new paragraph (l) to section 240.20(1) providing that the search warrant, the search warrant application and the documents or transcript of any testimony or other oral communication offered in support of the search warrant application be discoverable by the defendant, except to the extent such material or

information is protected from disclosure by a court order.

Senate 3441/Assembly 8393. This measure would amend section 210.20(1)(c) of the CPL to provide that an order dismissing an indictment for failure to notify defendant of the right to testify before the grand jury shall be conditioned upon defendant's testifying before the grand jury to which the charges are to be submitted or resubmitted.

Senate 3442/Assembly 8389. This measure would add a new subdivision seven to section 530.70 of the CPL to provide that a bench warrant issued by a local criminal court, in a case in which the defendant is held for the action of the grand jury or in which the local criminal court is divested of jurisdiction by the filing of an indictment in the superior court, shall remain effective in most cases until the superior court issues its own bench warrant.

Senate 3443/Assembly 11370. This measure would amend paragraphs (c) and (d) of section 30.30(5) of the CPL to provide that, when a criminal action is commenced by the filing of a felony complaint that is replaced by an indictment in which the highest offense charged is a misdemeanor, the period of time within which the prosecution must be ready for trial is the statutory period applicable to misdemeanor offenses, not the six-month period applicable to felony offenses.

Senate 3444/Assembly 8392. This measure would amend section 30.30 of the CPL to exclude certain serious crimes from the statutory mandate that a defendant in custody pending trial be released if the prosecution is not ready for trial within 90 days of the commitment of the defendant to such custody; and to extend the 90-day period to 120 days when the defendant is charged with an offense that, upon conviction, would result in sentencing as a second violent felony offender.

Senate 3445/Assembly 8391. This measure would amend section 180.80 of the CPL to provide that whenever a defendant in custody files notice requesting the right to testify before the grand jury, the court in its discretion may extend by up to 48 hours the time period within

which the grand jury must indict such defendant.

Senate 3446/Assembly 8390. This measure would amend sections 280.20, 310.60, 330.50 and 470.55 of the CPL to establish a procedure for amending an indictment, prior to retrial, to charge lesser included offenses of counts that have been disposed of under such circumstances as to preclude defendant's retrial thereon.

Senate 3447/Assembly 8403. This measure would establish a Temporary State Commission on Revision of the Penal Law and the CPL to study existing provisions and related statutes and to prepare for submission to the Legislature a revised, simplified body of substantive laws relating to crimes and offenses in the State, as well as a revised, simplified code of rules and procedures relating to criminal and quasi-criminal actions and proceedings in or connected with the courts, departments and institutions of the State, affecting the rights and remedies of the people.

Senate 3666. This measure would amend section 240.20 of the CPL and section 87(2) of the Public Officers Law to insure that disclosure of law enforcement records and documents be governed by the discovery provisions and regulated by the judge presiding over the criminal action, rather than by the Freedom of Information Law.

Senate 3490/Assembly 8531. This measure would add a new section 180.85 to the CPL to provide that, after arraignment a defendant upon a felony complaint, the local or superior court before which the action is pending, on motion of either party, may dismiss the felony complaint on the ground that defendant has been denied the right to a speedy trial, pursuant to section 30.30 of the CPL.

Senate 3779/Assembly 8385. This measure would amend section 730.30 of the CPL to provide that a trial court have discretion as to whether to conduct a hearing regarding a defendant's mental capacity to stand trial where each psychiatric examiner concludes that the defendant is not incapacitated.

Senate 3491/Assembly 8398. This measure would amend provisions of section 30.30 of the CPL in relation to speedy trial.

Senate 3492/Assembly 8397. This measure would amend the speedy trial statute and other provisions of the CPL to accord criminal courts greater authority to fix and enforce expeditious schedules for hearings and trials, and to minimize opportunities for delay by requiring earlier disclosure of *Rosario* material.

Senate 3493. This measure would amend section 340.40 of the CPL and section 70.15 of the Penal Law to create additional exceptions to the jury trial requirement in the New York City Criminal Court and in certain other local criminal courts.

Senate 3448/Assembly 8394. This measure would amend Article 240 and other sections of the CPL to effect broad reform of discovery in criminal proceedings, including the following major features: (1) elimination of the need for a formal discovery demand; (2) expansion of information required to be disclosed in advance of trial and reduction of the time within which disclosure must be made; (3) modification of the defendant's obligations with respect to notice of a psychiatric defense; and (4) legislative superseder of the Court of Appeals' ruling in *People v. O'Doherty*, 70 N.Y.2d 479 (1987).

Senate 3532. This measure would amend provisions of the CPLR to give incentives to both plaintiffs and defendants to settle or proceed expeditiously to trial, as follows: (i) it would amend rule 3221 to provide that if a party's pre-trial written offer to settle a non-matrimonial civil claim is rejected by the claimant, and the claimant later fails to obtain a more favorable judgment, the claimant forfeits costs and interest from the time of the offer to verdict; and (ii) it would amend subdivisions (a) and (b) of section 5001 to render personal injury actions eligible for pre-verdict interest and to specify in subdivision (b) that such interest shall commence to run one year from the date of the commencement of the action to the date of verdict, report or decision, exclusively on special and general

damages incurred to the date of such verdict, report or decision.

Senate 3533/Assembly 8405. This measure would amend sections 1603 and 3018(b) of the CPLR to require that reliance on Article 16 be pleaded as an affirmative defense.

Senate 3534-B/Assembly 8387-B. This measure would amend rule 4518 of the CPLR to permit the introduction of computer data as a business record, under certain conditions and subject to the court's consideration.

Senate 3975/Assembly 7346. This measure would repeal and add a new section 15-108 to the General Obligations Law to provide incentives to parties to settle their civil disputes.

Senate 3535. This measure would modernize rules 3216 and 3404 of the CPLR to allow the court to address a problem if a party unreasonably neglects to proceed in an action which no note of issue has been filed; to permit a 90-day demand to be served by regular mail; to allow the court or the demanding party to request the service and filing of either a note of issue or a written request for a conference; and to allow the court to strike the pleadings in whole or in part, dismiss the action in whole or in part, render a judgment by default, or direct an inquest.

Senate 3536-B/Assembly 2079. This measure would amend rules 3113 and 3115 of the CPLR to adopt various provisions that would insure that depositions in civil cases are taken more fairly and expeditiously.

Senate 3974. This measure would amend several consolidated and unconsolidated laws to clarify the method by which interest may be calculated on judgments against certain governmental entities for which a specific interest rate has not been fixed by statute.

Senate 3670-A/Assembly 7032-A. This measure would amend section 16-116 of the Election Law to require that a proceeding brought pursuant to Article 16 thereof be commenced by service of the initial papers upon the respondents.

Senate 3973. This measure would amend section 2-b of the Judiciary Law to allow New York courts to issue subpoenas to a person over whom they have jurisdiction even if such person is located without the State.

Senate 3537. This measure would amend sections 1207, 1208 and 5003-a of the CPLR and section 2220 of the SCPA to permit interest to accrue where there is a delay in a proposed settlement of claims by an infant, incompetent, or in a wrongful death action caused by the need for court approval.

Senate 3574/Assembly 7342. This measure would amend section 1405 of the CPLR to permit a plaintiff in a tort case to recover directly against a third-party defendant found liable to the defendant/third-party plaintiff, where the latter is insolvent.

Senate 3538. This measure would amend rule 4111 and repeal Articles 50-A and 50-B of the CPLR to restore the common law rule that damages, *inclusive of future damages*, be paid to a plaintiff in a single, lump sum — with the defendant, in an appropriate case, entitled to have the jury instructed that it should discount projected future damages to present value to fairly account for the investment potential of the lump sum.

Senate 3539-C/Assembly 8384-B. This measure would amend sections 2305(b), 3120 and 3122 and add a new section 3122-a to the CPLR to simplify methods for obtaining discovery of documents, particularly routine business records, from non-party witnesses and procuring their admission into evidence.

Senate 4242. This measure would amend section 3101(d)(1) of the CPLR to provide a minimal deadline for expert disclosure (*i.e.*, 60 days before trial) — a time frame that could be expanded to give earlier expert disclosure in certain commercial cases or as the need arises in other cases, if directed by the court.

Senate 3495-A. This measure would add a new rule 4510-a to the CPLR, a new section 39-c to the Judiciary Law and amend section 17 of the Public Officers Law to encourage and facilitate use of alternative dispute resolution in New York State.

Senate 3433/Assembly 5542-A. This measure would amend sections 351.1 and 353.6 of the FCA to provide that the Family Court in a juvenile delinquency proceeding may order restitution for the unreimbursed medical expenses of the victims.

Assembly 8561. This measure would amend sections 1055 and 1055-a of the FCA, as well as sections 358-a and 392 of the Social Services Law, to require an agency with which a child has been placed, either voluntarily or as a result of an abuse or neglect finding, or to which guardianship and custody have been transferred as a result of the child being freed for adoption, to report to the court, the parties and the law guardian within 30 days of any change in the child's placement status.

Senate 4595/Assembly 8562. This measure would amend sections 249 and 1055-a of the FCA and sections 383-c and 384 of the Social Services Law to provide that in the case of a substantial failure to comply with a material condition for the adoption of a child, the authorized agency shall be required to notify the Family Court, law guardian and surrendering parents within 20 days of such failure and to file a petition with such court to review such failure.

Senate 3434-A/Assembly 7347-A. This measure would amend section 240 of the DRL and section 413 of the FCA to create a presumption in favor of a minimum child support obligation of \$25 per month rebuttable by a showing that the interests of justice dictate otherwise and would eliminate the provision that in no instance shall the court order child support below the \$25 a month statutory amount.

Senate 3778/Assembly 8406. This measure would amend section 812 of the FCA and section 530.11 of the CPL to clarify that family offenses committed by persons younger than age 16 be treated as juvenile delinquency or PINS proceedings under Article 3 or 7 of the FCA, respectively, rather than as family offenses under Article 8 of such Act.

Assembly 11196-A. This measure would amend sections 315.3 and 360.2 of the FCA to clarify applicable procedures in cases of alleged

violations of orders adjourning cases in contemplation of dismissal and of orders of conditional discharge in juvenile delinquency cases.

Senate 5199/Assembly 7754. This measure would amend sections 1029 and 1056 of the FCA and section 221-a of the Executive Law to provide that prior to issuing a temporary order of protection, the court shall inquire as to the existence of any other orders of protection involving the parties.

Senate 3977. This measure would add a new section 657 to the FCA and a new section 242 to the DRL setting forth the powers of the courts and procedures to be followed in the event of violations of custody and visitation orders and related orders of protection and temporary orders of protection. It would also give the court the power to commit a willful violator to jail for a term not to exceed six months, to order probation for up to one year, or to pay restitution.

Senate 4750/Assembly 8560. This measure would amend sections 1017 and 1055 of the FCA and sections 383-c, 384, 384-a and 392 of the Social Services Law to facilitate permanency planning for children in foster care; to require child protective agencies, in abuse and neglect cases involving children removed from their homes, to conduct immediate investigations to locate suitable non-custodial parents, not simply relatives, with whom the children may reside; to require that identifying information obtained in the course of a diligent search for parents of abandoned children be recorded in the uniform case record; and to require agency officials to obtain information from a parent executing a voluntary placement or surrender instrument regarding the child's other parent, any person to whom the parent placing or surrounding the child has been married at the time of conception or birth of the child, and any other person who would be entitled to notice of a proceeding to terminate parental rights.

Senate 5130. This measure would amend sections 353.2, 353.3 and 757 of the FCA and section 243 of the Executive Law to provide the Family Court with discretion to ensure that a

youth placed on probation receive the supervision and services required to correct patterns of behavior.

Senate 5233/Assembly 7741. This measure would amend sections 5241 and 5252 of the CPLR, section 240-c of the DRL, sections 413-a, 454, 516-a and 565 of the FCA, sections 111-h, 111-k and 111-n of the Social Services Law and section 4135-b of the Public Health Law to provide employers and income payors with notice and an opportunity to be heard prior to imposition of sanctions for noncompliance with income deduction orders; clarify challenges to cost-of-living adjustments; require that paternity acknowledgments executed by minor parents under the age of 18 be executed in the presence of a Family Court judge or hearing examiner; and clarify the procedure for challenging an administrative directive to submit to genetic tests in cases where a paternity petition has not yet been filed.

Assembly 7343. This measure would amend sections 237 and 238 of the DRL to require the court in a matrimonial case (or proceeding to enforce a judgment therein) involving parties with greatly unequal financial resources to order the monied party to pay counsel fees for the non-monied party during the course of the case so as to enable her or him to carry on or defend it.

Senate 3540/Assembly 8532. This measure would amend section 5519(a) of the CPLR to exclude judgments, orders or decrees issued in a matrimonial action that award maintenance and/or child support from a stay of enforcement without a court order.

Senate 3449. This measure would amend section 3101(d)(1)(iii) of the CPLR to provide that a party may, without court order, take the testimony by videotape or otherwise of his or her own treating physician, dentist, or podiatrist or retained medical expert for the purpose of preserving the deponent's testimony for use at trial; and amend rule 3117(a)(4) of the CPLR to conform to CPLR 3101(d)(1)(iii), by allowing the deposition of a person practicing medicine, dentistry or podiatry to be used for any purpose.

Senate 4326/Assembly 8533. This measure would amend section 530.70 of the CPL to permit all State-paid uniformed court officers to execute bench warrants.

Senate 4091. This measure would amend section 849-d(2) of the Judiciary Law to increase the amount of the basic grant paid to counties served by a dispute resolution center to a maximum of \$41,000.

Senate 4149/Assembly 8395. This measure would amend section 360.20 of the CPL to permit a court to call more prospective jurors into the jury box for purposes of *voir dire* than ultimately are to be selected for the trial.

Assembly 7903. This measure would amend section 521 of the Judiciary Law to provide an increment *per diem* for a juror after having served for ten days.

Senate 4092/Assembly 8656. This measure would amend section 47.03 of the Mental Hygiene Law to codify jurisdiction for the Mental Hygiene Legal Service to provide services in matters pertaining to care and treatment for mentally-disabled individuals not residing in traditional facilities.

Senate 4147/Assembly 8337. This measure would amend sections 54-j and 84 of the State Finance Law to make a technical change in relation to the manner in which State assistance moneys due county and city governments under the Court Facilities Act of 1987 (as amended) are paid from the Court Facilities Incentive Aid Fund.

Senate 7438/Assembly 8555. This measure would amend section 39 of the Judiciary Law to improve reimbursement procedures relative to the operation of the County Clerk Offset Fund for counties within New York City.

Senate 7439/Assembly 7904. This measure would amend section 39 of the Judiciary Law and sections 94-a and 94-b of the State Finance Law to allow moneys due to the New York City County Clerks' Operations Offset Fund and the Judiciary Data Processing Offset Fund to be regularly deposited throughout the course of the year.

Senate 5128. This measure would amend section 370 of the General Municipal Law, amend sections 5155 and 1809, and add Article 2-C and sections 245 and 245-a of the Vehicle and Traffic Law to permit the City of Syracuse, through the discretion of its local legislature, to establish traffic and or parking violations agencies; to provide that these agencies be part of the Syracuse City government and operated by a director appointed by the mayor of the City; and provide that the City be entitled to \$4 per case paid from the mandatory surcharges collected for violations before the agency, to all other traffic-related monies to which it now is entitled and to \$10 per appeal before the Traffic Appeals Board.

Senate 4143. This measure would amend section 2 of chapter 689 of the Laws of 1993 and section 182.40 of the CPL to make permanent the provision of law relating to electronic court appearances in certain courts.

Senate 4328/Assembly 8402. This measure would amend Article 41 of the CPLR and Articles 270 and 340 of the CPL to revise the current procedure for selecting alternate trial jurors in civil and criminal cases, respectively.

Senate 4093. This measure would add a new subdivision 1-b to section 270.15 of the CPL to permit a criminal court to issue an order precluding disclosure of jurors' and prospective jurors' names and addresses where the court determines that there is a likelihood that one or more jurors or prospective jurors will be subject to bribery, tampering, injury, harassment or intimidation.

Senate 4410/Assembly 8721. This measure would amend sections 170.15 and 180.20 of the CPL to authorize a local criminal court, on motion of the prosecutor or the defendant, to order removal of a domestic violence case there from any local criminal court of the same county that has been designated a domestic violence court by the Chief Administrative Judge.

Senate 7223/Assembly 8336. This measure would amend sections 203 and 209 of the UDCA and the UCCA to provide District and City Courts, respectively, with additional equity

jurisdiction so as to enhance their ability to handle landlord and tenant disputes outside New York City.

Senate 4409/Assembly 7925. This measure would amend section 10 of the Court of Claims Act to ensure that a timely and properly served notice of intention may be treated as a claim and would clarify that applications arising thereunder are to be brought upon motion.

Rules of the Chief Judge

The following rules were amended by the Chief Judge during 2001:

Sections 24.3(i); 24.4(a) (2); 24.4(b); 24.5(a), (b) and (d); and 24.6(f) of the Rules of the Chief Judge, governing time and leave of unrepresented court employees, were amended, effective January 3, 2001, to conform the time and leave rights of unrepresented court employees to those of certain represented employees.

Rules of the Chief Administrative Judge

The following rules were amended or added by the Chief Administrative Judge during 2001:

Section 122.1(a) of the Rules of the Chief Administrator, governing eligibility of former judges to serve as Judicial Hearing Officers, was amended, effective January 29, 2001, to permit waiver of the one-year judicial service eligibility requirement under certain circumstances.

Part 124 of the Rules of the Chief Administrator, governing access to court records, was amended, effective September 21, 2001, to make technical housekeeping changes.

Part 127 of the Rules of the Chief Administrator, governing review of assigned counsel fees, was amended, effective April 16, 2001, to provide

for administrative review of assigned counsel fee awards by Administrative Judges.

Section 130 - 2.4 of the Rules of the Chief Administrator, governing sanctions, was amended, effective March 26, 2001, to permit Judicial Hearing Officers to impose sanctions.

Section 202.16(f) (1) of the Uniform Civil Rules for the Supreme and County Courts, governing the preliminary conference held in matrimonial proceedings, was amended, effective June 11, 2001, to delete the requirement that certain papers be filed before the preliminary conference.

Sections 205.3, 205.5, 205.9, 205.16, 205.17, 205.28, 205.43, 205.44, 205.50(b), 205.53(b), 205.58(c), 205.67, 205.74, 205.81 and 205.83(a) of the Uniform Rules for the Family Court, and sections 207.55(b) and 207.61(c) of the Uniform Rules for the Surrogate's Court, were amended, effective January 31, 2001, to conform those provisions to the Federal Adoption and Safe Families Act and to modify certain procedures in those courts.

Section 206.8, 206.13 and 206.15 of the Uniform Rules for the Court of Claims were amended, effective March 22, 2001, to modify certain procedures relating to motions and calendars.

Sections 208.42(f) and 208.43(d) of the Uniform Rules for the New York City Civil Court, governing procedure in the Housing Court, were amended, effective May 21, 2001, to direct that summary proceedings for residential premises within certain zip codes be brought in the Harlem courthouse.

Section 220.10(c) of the Uniform Rules for Juror Deliberations, governing note-taking by jurors, was amended, effective July 20, 2001, to delete the prohibition against taking notes during the opening and closing statements and the judge's charge to the jury.